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COMMISSION ON HUMAN RIGHTS

Fifty-seventh session

SUMMARY RECORD OF THE 1st MEETING

Held at the Palais des Nations, Geneva,
on Monday, 19 March 2001, at 10.30 a.m.

Temporary Chairperson: Mr. SIMKHADA (Nepal)

Chairperson: Mr. DESPOUY (Argentina)

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Any corrections to the records of the public meetings of the Commission at this session will be consolidated in a single corrigendum, to be issued shortly after the end of the session.

GE.01-11931 (E)

The meeting was called to order at 10.35 a.m.

OPENING OF THE SESSION

1. The TEMPORARY CHAIRPERSON declared the fifty-seventh session of the Commission on Human Rights open.

2. He reviewed the highlights of the Commission's previous session. Two new optional protocols, one on children in armed conflict and the other on the sale of children, had been adopted by the Commission and had entered into force after having been ratified by a large number of States. Three new special representatives and rapporteurs, on human rights defenders, the right to food and the right to housing, had begun working in their respective areas. The past year had also been significant for the adoption of the report of the Working Group on Enhancing the Effectiveness of the Mechanisms of the Commission, and for meetings of the Preparatory Committee for the forthcoming World Conference against Racism and of the four regional preparatory committees. The serious developments in the Middle East, which had prompted the convening of the fifth special session of the Commission to consider the tragic situation in the Palestinian territories, had added to the complexity of the Commission's work. The three-member human rights Inquiry Mission appointed by him, as Chairperson of the Commission, had visited the region and submitted its report.

3. He paid a warm tribute to Mrs. Mary Robinson, the High Commissioner for Human Rights, for her extraordinary energy and personal commitment, and thanked all colleagues for their support and cooperation. Increased financial and human resources were essential if the Office of the High Commissioner for Human Rights (OHCHR) was to be able to cope with its ever-growing workload. His thanks also went to the special rapporteurs, representatives, independent experts and members of the Inquiry Commission for their dedication to the cause of human rights. Lastly, he would point out that the Government of Nepal remained fully committed to the principle of the rule of law.

4. The situation in the world at the beginning of the third millennium, with so many human beings suffering from extreme poverty, conflict and discrimination, inspired little confidence in human wisdom. In the Middle East, the suffering seemed to be unending. Even Nepal, from where the Buddha had carried his message of universal peace and tolerance, was experiencing a growing cycle of conflict and violence, with many innocent victims.

5. The pursuit of the ideals of respect for people's rights and dignity enshrined in the Charter of the United Nations and the Universal Declaration of Human Rights demanded an understanding that poverty meant a denial of those rights. That had been the theme of the special dialogue at the Commission's fifty-sixth session and of a seminar on human rights and extreme poverty that had recently been organized by OHCHR, in accordance with Commission resolution 2000/12. Participants in the third United Nations Conference on the Least Developed Countries, which was to be held in Brussels in May 2001, would have the opportunity to draft a declaration on the international community's moral responsibility in that regard.

6. OHCHR had also organized a forum on the culture of peace, which had been held in Geneva and had produced a number of creative ideas. The eradication of poverty and the

building of a culture of peace and tolerance in the twenty-first century would depend largely on the ability to adopt what one scholar had called a "paradigm shift", through the convergence of technology, politics and ethics, areas that were currently barely on speaking terms. The Commission should give serious consideration to the issue.

7. One of the most significant developments of the late twentieth century was the growing role of non-State actors. The international community must take account of the important role they played in the defence of human rights and, at the same time, call them to account if they themselves committed violations of human rights. The Commission must be free of all "politicization" in considering such cases.

8. Lastly, building capacity and strengthening institutions were vital components of the international community's human rights agenda.

STATEMENT BY THE UNITED NATIONS HIGH COMMISSIONER FOR HUMAN RIGHTS

9. Mrs. ROBINSON (United Nations High Commissioner for Human Rights) said the dominant theme for her opening address at the current session of the Commission on Human Rights was unquestionably the forthcoming World Conference against Racism, to be held in Durban. It was of the utmost importance to combat racism and all forms of intolerance, because they were evils that were directly linked with poverty and social exclusion. The promotion of tolerance and respect for difference were basic to the vision of the United Nations as set out in the Charter and as reaffirmed in September 2000 in the Millennium Declaration.

10. With humanity entering a new century and in the United Nations Year of Dialogue among Civilizations, it was a particularly timely moment to broach such a subject. There were countless examples of the evil effects of racism and xenophobia in the world today. In recent months, hundreds had been killed for ethnic reasons, in conflicts that had erupted in Borneo, Burundi and other parts of the world. Ethnic conflict in The former Yugoslav Republic of Macedonia could once again threaten the stability of the region. Refugees and asylum-seekers continued to be given a cold and often hostile reception in wealthy countries. Combating racism, focusing on its gender dimension, respecting the rights of indigenous peoples and minorities and extending human rights education to everyone - those were the issues that would go to the heart of the World Conference.

11. It was the fourth time she was addressing the opening session of the Commission, yet the first impression she had gained on taking office as High Commissioner was still with her - that there was a great gulf between the high aspirations of the international human rights instruments and the harsh reality so many people faced in their daily lives. Another early impression had been that OHCHR had an enormous amount to do, with only limited resources, if it was to meet the expectations of Governments and international human rights organizations.

12. Summing up the results obtained through OHCHR action, she said that the profile of human rights as an international issue had been raised. One indication of that was the high level of ministerial attendance at the Commission. In addition, universal ratification of the six core human rights treaties had been actively promoted, with a good measure of success - at the

Millennium Summit, a number of countries had signed or ratified one or more of those instruments. Lastly, the human rights dimension was present in all United Nations activities, from the United Nations Development Programme (UNDP) to peacekeeping operations.

13. OHCHR was making every effort to streamline its operations in order to better fulfil its mandate. High priority was being given to ensuring that the treaty-monitoring bodies functioned effectively and were properly serviced. She appealed to States to commit all necessary resources to the OHCHR. The number of special mechanisms had now risen to 36 and OHCHR was doing everything possible to support them. They played a vital role in defending human rights, but once again, funding was a particular concern. OHCHR had also made efforts to improve cooperation with its partners in order to optimize its field presence. It now had regional strategies in place that focused on strengthening institutional capacity and resolving the problems of greatest concern within a given geographic area. The approach was based on intensive cooperation with regional organizations, United Nations partners and the regional economic commissions.

14. As recommended by the Vienna Declaration and Programme of Action, OHCHR had adopted a strategy of promoting national human rights action plans. The Human Rights Strengthening (HURIST) programme, implemented jointly with UNDP, played an important role in that regard and was now applied in more than 30 countries. To date, more than 50 countries had sought OHCHR's advice in establishing independent national human rights institutions.

15. A relatively new development was technical support for commissions of inquiry such as those that had been sent to East Timor, Togo, the occupied Palestinian territories and Sierra Leone. It was vital for OHCHR to have the capacity to respond to urgent requests in that regard, without having to draw on staff members mandated to other activities. Staffing problems within OHCHR remained serious. The workload continued to increase without any corresponding increase in budget resources. As a result, many staff worked under unfair pressure, aggravated by short-term contracts that gave neither job security nor career prospects. That situation troubled her deeply.

16. Raising substantial voluntary contributions had become essential to enable OHCHR to carry out its core functions. In 2000 it had launched the first annual funding appeal and raised US$ 44 million, roughly twice the amount it received from the United Nations regular budget. In 2001, OHCHR would for the first time be issuing a comprehensive report on expenditure from voluntary funding during 2000. The Administration Unit was being strengthened and a financial tracking system for extrabudgetary contributions was being introduced.

17. Although OHCHR was making progress towards its fundamental goal of promoting and protecting human rights throughout the world, there were still a number of challenges to be faced.

18. It was essential to take a holistic approach to human rights. Civil, cultural, economic, political and social rights formed a whole and should be promoted with equal vigour. Her country visits had convinced her of the importance of the right to development and of the fact that there was a direct connection between sustainable development and democracy. Gathering in good practices from Member States and from partner agencies such as UNDP, the

United Nations Children's Fund (UNICEF), the World Health Organization (WHO) and the United Nations Development Fund for Women (UNIFEM) was the best way to counter scepticism and doubts about the rights-based approach to development. More could be done in that area.

19. Prevention of human rights violations was another area to which greater attention should be paid. However, an adequate response remained elusive. It was regrettable that prevention had not really taken root in the thinking and, more importantly, the planning, of Governments and the international community.

20. Accountability was crucial to prevention. The way in which countries responded to allegations of gross violations was an indication of their commitment to the human rights issue. She welcomed the fact that more countries were ratifying the Rome Statute of the International Criminal Court and the valuable work being done by the international tribunals, particularly the recent convictions for crimes against humanity announced by the International Tribunal for the Former Yugoslavia. There must be a credible response to any allegations of extrajudicial killings, torture and illegal detention, whether in East Timor, the former Yugoslavia or central Africa. That had been her position with regard to allegations of human rights abuses by security forces in Chechnya and she had recently received further disturbing reports. The Russian authorities should respond adequately to those allegations.

21. Respect for human rights in conflict situations was another issue the Commission should address, particularly since women and children were often the first victims of violations of fundamental rights in such situations. There was a growing appreciation of the role that human rights played before, during and after conflicts. Conflict prevention was clearly the best strategy and the Commission's human rights mechanisms had an important role to play in that respect.

22. Three regions to which she had paid particular attention in the course of the past year were the Middle East, and particularly the occupied Palestinian territories, which she had visited in November 2000 and where the efforts of the international community, including those of the Commission, had unfortunately failed to put an end to the hostilities and human rights violations; Colombia, where the human rights situation remained grave and where action by OHCHR would have no effect without the determination on the part of all domestic actors to shape the life of the country peacefully; and Sierra Leone, where OHCHR was working closely with the Government, civil society and the United Nations Mission in Sierra Leone (UNAMSIL) to establish a Truth and Reconciliation Commission and a National Human Rights Commission, which had the potential to be important building blocks in re-establishing human rights and ending the internal conflict.

23. She called on the Commission to ensure full implementation of the recommendations of the high-level panel chaired by Mr. Brahimi on prevention of human rights violations and support for the peace-building efforts of the United Nations. The Brahimi report had highlighted the essential importance of the United Nations system in adhering to and promoting international human rights instruments and standards and international humanitarian law.

24. Cooperation with States, and in particular strengthening national capacity by responding to requests for technical assistance, was still a high priority for OHCHR. Memoranda of

Understanding (MOUs) had been signed with a number of countries, including Chile, China, Mexico and the Russian Federation. While she welcomed such cooperation with Governments, however, she did not see MOUs as ends in themselves and believed that any cooperation should primarily address human rights shortcomings. Regional capacity-building, too, was a priority objective and there were positive results to report, including the establishment of a subregional centre for human rights and democracy in central Africa, in Yaoundé (Cameroon).

25. Another challenge to be met was that of giving the private sector, non-governmental organizations (NGOs) and civil society greater opportunities to contribute to the realization of the United Nations goals, as recommended in the Millennium Declaration. Tribute must be paid to the many NGOs that had continued to fight for human rights over the past year. They made a vital contribution and it was important to find ways of involving them more directly in the work of the United Nations. She invited NGOs to contribute to the debate on the shaping of the broad agenda of human rights and to participate actively in the Durban Conference.

26. As to corporate social responsibility, the Secretary-General's Global Compact initiative was one example of how the United Nations was reaching out to business, trade union and other civil society actors. Such initiatives must be measured by how effectively they provoked positive change. It was to be hoped that companies would be more willing to accept the argument that they had a responsibility to respect human rights.

27. If evidence was needed of the centrality of human rights in the international field, there was no need to look any further than the calendar of United Nations events over the coming months: the third United Nations Conference on the Least Developed Countries in May; the special sessions of the General Assembly on Habitat II and on HIV/AIDS in June; the special session on children in September; and the review of the World Food Summit in November. In addition, OHCHR had recently been given the task of establishing a Permanent Forum for Indigenous Peoples. Another indicator was the range of special events and discussions planned for the current session of the Commission.

28. Reviewing her work over three and a half years as High Commissioner for Human Rights, she said that it had been extremely difficult but very rewarding. It was gratifying to be able to report real progress on many of the goals she had set at the beginning of her mandate: gaining broader acceptance for the definition of human rights to include not just civil and political but also economic, social and cultural rights; mainstreaming human rights throughout the United Nations system; working with partners in the NGO community and with the frequently unsung human rights defenders; encouraging Governments to address their human rights responsibilities and obligations; helping to build national capacity within member States and to develop appropriate regional structures; improving management within OHCHR and raising funds; and, above all, acting as a voice for victims of human rights abuses. In the last task - which she considered her strongest mandate - she had received the support of Mr. Kofi Annan, and she paid tribute to his moral courage and integrity.

29. The final six months of her term would be very demanding, culminating as they would in the World Conference against Racism. By the end of the Conference she would have completed her term as High Commissioner for Human Rights and she had advised the Secretary-General

that she would not be seeking a second term. Although her decision might disappoint some, she would continue to work wholeheartedly for human rights outside the constraints that an international organization inevitably imposed. She believed the opening of the Commission's session was the appropriate occasion to announce her decision in order to give ample time for her successor to be appointed. She would be available to support her or him and, while warmly thanking her colleagues, she urged them to do the same.

ELECTION OF OFFICERS (item 1 on the provisional agenda)

30. The TEMPORARY CHAIRPERSON invited the Commission to take up item 1 on the provisional agenda, namely, election of officers.

31. Ms. ACOSTA (Mexico), speaking on behalf of the Latin American and the Caribbean Group, nominated Mr. Despouy (Argentina) for the office of Chairperson.

32. Ms. KUNADI (India), speaking on behalf of the Asian Group, Mr. WAKO (Kenya), speaking on behalf of the African Group, Mr. KARKLINS (Latvia), speaking on behalf of the Eastern European Group, and Ms. GLOVER (United Kingdom of Great Britain and Northern Ireland), speaking on behalf of the Western European and Others Group, supported the nomination.

33. Mr. Despouy (Argentina) was elected Chairperson by acclamation.

34. Mr. Despouy (Argentina) took the Chair.

35. The CHAIRPERSON invited nominations for the three offices of Vice-Chairperson and for the office of Rapporteur.

36. Ms. KUNADI (India), speaking on behalf of all the regional groups, nominated Ms. Al-Hajjaji (Libyan Arab Jamahiriya), Ms. Filip (Romania) and Mr. Mendonça e Moura (Portugal) for the offices of Vice-Chairperson and Mr. Hussain (Pakistan) for the office of Rapporteur.

37. Ms. Al-Hajjaji (Libyan Arab Jamahiriya), Ms. Filip (Romania) and Mr. Mendonça e Moura (Portugal) were elected Vice-Chairpersons by acclamation and Mr. Hussain (Pakistan) was elected Rapporteur by acclamation.

STATEMENT BY THE CHAIRPERSON

38. The CHAIRPERSON said that his election as Chairperson of the Commission was a great honour for Argentina, which had returned to democratic rule nearly 20 years ago; it should be seen as an expression of support for that historic process and a tribute to his people.

39. He was deeply grateful to the outgoing Chairperson and officers for their help, which had greatly facilitated the organization of the work of the fifty-seventh session. He would ensure that the work was carried out in collegial, transparent fashion and would be attentive to the concerns and suggestions of the various regions. There were as many female as male officers for the first

session of the millennium and it was reasonable to hope that the gender perspective would be duly integrated into all the Commission's work at the present session. He expressed his gratitude to Switzerland and particularly the Canton of Geneva, which were doing all they could to enable the Commission to carry out its work under the best possible conditions. He called to mind Henri Dunant, who had received the Nobel Peace Prize a century ago and had helped to lay the foundations of international humanitarian law.

40. He also thanked the Latin American and the Caribbean Group, which had unanimously supported his nomination, and Venezuela, which had decided not to present a candidate. Latin America was actively reinforcing its democratic institutions and its guarantees of full respect for human rights. There was still much to do in that regard, including in Argentina, but significant progress had been made over the past 15 years with regard to peace building and the re-establishment of the rule of law. Important changes had taken place recently in Mexico and the international community should encourage the efforts being made there to ensure the participation of previously excluded population groups. In Peru, a corrupt, authoritarian Government had been peacefully replaced by a democratic transitional Government.

41. He paid tribute to OHCHR's defence of human rights under Mrs. Robinson's courageous and imaginative leadership. He endorsed the 2001 Annual Appeal to States to increase their support to OHCHR, and was encouraged to see that a growing number of States, including Haiti, were signing technical assistance agreements with OHCHR in the area of human rights.

42. It was extremely encouraging that the General Assembly had proclaimed the year in which the World Conference against Racism was to be held as the United Nations Year of Dialogue among Civilizations. The fact that the Conference was to be held in South Africa, a country that was struggling with courage and determination against the legacy of apartheid, was particularly significant. The Commission, in its capacity as preparatory committee, must play an active part in drafting the final documents to be adopted in Durban and, in particular, in reinforcing the spirit of dialogue and understanding that would be vital if the Conference was to help make tangible improvements in the situation of all victims of racism, discrimination, intolerance or xenophobia. It was therefore most appropriate that, on the eve of the World Conference, the Commission had decided to assign one of its meetings to a special debate on tolerance and respect. In that regard, the Declaration adopted on 30 January 2001 by the Stockholm International Forum against Intolerance, entitled "Combating Intolerance", was of great importance.

43. He was committed to ongoing dialogue with NGOs, which were vital actors and had played a very important part in the standard-setting work of the Commission and the Sub-Commission. His gratitude to NGOs was all the greater for the way they had helped expose the situation during the dark years of the military dictatorships, not only in Argentina but also in other countries of the region. The establishment of the post of Special Representative of the Secretary-General on the situation of human rights defenders was therefore another step forward. He was certain that that mechanism would help improve protection for a particularly vulnerable section of civil society.

44. Thanks to the Universal Declaration of Human Rights, individuals could now act as subjects of international law, a right previously enjoyed only by States. The Declaration had also

clearly established an ethical approach to international relations. In the course of a half-century, it had gradually become a kind of universal constitution and would undoubtedly stand as one of the chief legacies of the past millennium. Since its adoption, some 10 committees had been established to monitor the implementation of as many treaties. The Commission itself had acquired a complex array of mechanisms and special procedures. The various bodies and mechanisms should be afforded the means to carry out their work, but also to ensure that they functioned smoothly and complemented one another. With regard to torture, he hoped that the Working Group on a draft optional protocol to the Convention against Torture would be able to complete its work, under the able guidance of its Chairperson, Ms. Elisabeth Odio Benito. It would also be encouraging if the Rome Statute of the International Criminal Court was ratified soon in order to enable the Court to play a decisive role in preventing crimes against humanity and combating impunity.

45. The present period in world history was one of great contrasts. On the one hand information technologies and, on the other, the excluded masses. More than one and a half billion people were living in poverty and the situation was only getting worse. The spiral of exclusion affected children and the elderly in particular, as well as millions of women, for whom the mere fact of being a woman was an additional disadvantage. Against such a background, the Commission must ensure that scientific and technological progress was not made at the expense of ethical principles. In particular, it should promote the Universal Declaration on the Human Genome and Human Rights, according to which "No research ... concerning the human genome ... should prevail over respect for the human rights, fundamental freedoms and human dignity of individuals ...". The same applied to new technologies which, if they were subject only to market forces, could seriously damage the environment and jeopardize human food security. Indeed, the food issue was one of the most serious problems humanity had to face. In many countries, a large part of the population suffered from malnutrition and access to food was even used as a weapon in conflict situations.

46. Globalization had made for considerable mobilization of resources, yet it had also led to a serious deterioration in the economic and social situation in many developing countries, which were burdened down by external debt. It was now well known that one of the chief causes of the spread of violence was deteriorating social and economic conditions in many regions of the planet. The situation was made more serious by the weakening of the traditional role of the State and, in many cases, by an increase in racial tension and the persecution of minorities, and it was essential to establish new conflict-resolution mechanisms, based mainly on prevention and the search for peaceful solutions.

47. According to the International Committee of the Red Cross (ICRC), 80 per cent of the victims of current conflicts were civilians, and the overwhelming majority of those were women and children; that figure had been a mere 5 per cent during the First World War, for example. It was vital to demand respect for international humanitarian law and to pay more attention to the causes of armed conflicts and the new forms they were taking.

48. Again, it was only too well known that violence and poverty were among the chief causes of internal and cross-border migrations. There were now some 40 million refugees and more than 25 million internally displaced persons. They lived in extremely precarious conditions and

were exposed to persecution. A large part of international aid, which should go towards development, was now being assigned to emergency humanitarian relief operations.

49. On the fiftieth anniversary of the adoption of the 1951 Convention relating to the Status of Refugees, the Office of the United Nations High Commissioner for Refugees (UNHCR) had launched global consultations on international protection. It was an excellent opportunity for States parties to reaffirm their collective commitment to protecting refugees in general. Ways should also be found of dealing with new situations and encouraging States to sign the Convention and the 1967 Optional Protocol. The consultations would lead up to a first ministerial meeting of the States parties, to be held in Geneva on 12 December 2001.

50. He emphasized the indivisibility and interdependence of human rights and the fundamental importance, for the majority of the peoples of the world, of implementing the right to development. A recent meeting of the Working Group on the Right to Development, chaired by Mr. Dembri, had highlighted the need for greater efforts in that area. For example, the tragic situation of many African peoples who had been hard hit by the HIV/AIDS pandemic, was a major obstacle to the realization of the right to development. In general, it was essential for all those involved in development, including the private sector, to join forces, as the Secretary-General had emphasized in his Global Compact. Otherwise, globalization could well make for greater social exclusion.

51. As the President of Argentina, Mr. Fernando de la Rua, had stated before the Inter-American Court of Human Rights, the defence of human rights was of importance to the entire international community, not only for moral reasons but also because, if human rights violations became systematic, they could endanger world peace and stability. The defence of the right to freedom of opinion, expression, religion and belief, and the prohibition of torture and other cruel, inhuman or degrading treatment or punishment, were some of the important issues the Commission would be considering at the present session. It was vital for the Commission to set aside time to preparing the text of a convention to prevent and combat the appalling practice of forced disappearances. Forced disappearances had been the scourge of many Latin American countries and threatened to spread to other continents. The existence of a universally applicable convention would certainly have a significant deterrent effect and help to eradicate that repressive practice, which was one of the most evil in existence and whose effects persisted down the generations.

52. The Commission should also address the question of indicators enabling it to assess the extent of the problems it considered. Everything done in the context of the Human Development Report and the deliberations of the Montreux Plenipotentiary Conference had shown that it was a delicate question but also that such indicators were indispensable.

53. Lastly, he briefly mentioned the long route he had travelled in human rights, beginning as a witness and victim, followed by 12 years as a member of the Sub-Commission and then 8 years as head of the Argentine delegation. Remembering those years of persecution and the long, painful exile he had endured, he was well aware of all the progress that had been made in field of human rights over the past 20 years.

ADOPTION OF THE AGENDA (item 3 on the provisional agenda) (E/CN 4/2001/1, E/CN 4/2001/1/Add 1 and Corr 1)

54 The CHAIRPERSON drew attention to the provisional agenda (E/CN 4/2001/1) prepared by the Secretary-General pursuant to rule 5 of the rules of procedure

55 The agenda was adopted

The meeting rose at 12 40 p m

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COMMISSION ON HUMAN RIGHTS

Fifty-seventh session

SUMMARY RECORD OF THE 2nd MEETING

Held at the Palais des Nations, Geneva,
on Tuesday, 20 March 2001, at 10 a.m.

Chairperson: Mr. DESPOUY (Argentina)

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ORGANIZATION OF THE WORK OF THE SESSION

The meeting was called to order at 10.10 a.m.

STATEMENT BY MS. ŽELJKA ANTUNOVIĆ, DEPUTY PRIME MINISTER OF CROATIA

1. Ms. ANTUNOVIĆ (Croatia) said that her delegation was saddened that the High Commissioner for Human Rights, who had been courageous and forthright in her work, would not seek a second mandate. It nevertheless hoped that she would continue to cooperate with Croatia and wished her every success in her future endeavours.

2. Croatia attached great importance to the work being done by the Commission on Human Rights at a time when globalization was making individuals and civil society more aware of their human rights. The drawback to that scenario was that the rights of some might conflict with the rights of others, which could lead to an outbreak of hostilities. The Commission played an essential role in the search for solutions to such problems.

3. The Croatian Government welcomed the organization of the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance and was actively involved in the preparations for the Conference. It planned to establish a standing advisory body to coordinate all activities to combat intolerance. The Government also hoped that the conclusions of the Expert Group Meeting on gender and racial discrimination, organized jointly with the United Nations in November 2000, would be reflected in the World Conference Declaration and Plan of Action.

4. In the wake of the democratic changes that had taken place in Croatia at the beginning of 2000, the Government had taken a series of measures to strengthen human rights protection. It had established several bodies which were responsible for monitoring the implementation of human rights and whose activities were coordinated by the national Commission on Human Rights. The Government was also endeavouring to create an all-encompassing programme for the protection and promotion of human rights that would bring together all regulations relating to human rights. It was also setting up programmes to protect the rights of certain segments of the population, particularly children and the Roma. Croatia was active in the promotion of gender equality, mainly through a national commission that dealt with gender equality issues. In addition, Parliament had established a committee on gender equality and amended the Constitution to confirm the importance attached to such equality.

5. To facilitate the return of refugees and displaced persons to their places of origin, the Government had amended the laws on reconstruction and areas of special State concern, removing all discriminatory regulations and thereby guaranteeing all returnees equal rights to reconstruction assistance. The Government had also established an efficient procedure for solving problems associated with the return of property belonging to returnees. Croatia had taken a number of steps to strengthen the protection of minority rights. It had adopted new laws on the official use of minority languages and education in those languages. The Constitution had also been reformed to permit positive discrimination in favour of national minorities. The Croatian Government attached special importance to the issue of multiculturalism and therefore hoped that the topic would be dealt with at the forthcoming World Conference and in the special

high-level debate on tolerance and respect. The Government was currently discussing with the Office of the United Nations High Commissioner for Human Rights the possibility of organizing a conference that would make a real contribution to the promotion of human rights in the region.

6. A number of events were indicative of the Croatian Government's determination to build an open democratic society. In 2000 Croatia had been admitted to membership in the World Trade Organization and the Partnership for Peace programme of the North Atlantic Treaty Organization (NATO). It hoped to complete the negotiations on a stabilization and association agreement with the European Union, which had the highest standards for the protection and promotion of human rights, in May 2001. Only its current economic difficulties prevented Croatia from putting its democratic principles fully into effect. The decision by the Parliamentary Assembly of the Council of Europe to terminate its monitoring of the human rights situation in Croatia in September 2000 and the abolishment of the police component of the Organization for Security and Cooperation in Europe (OSCE) mission was a reflection of how that situation had improved. Moreover, Croatia was actively participating in the work of the Stability Pact for South-Eastern Europe, particularly in the area of democratization and human rights, and was cooperating with the International Criminal Tribunal for the former Yugoslavia.

7. Croatia believed that during the preceding nine years the situation in the territories covered by the omnibus resolution on the situation of human rights in Croatia, Bosnia and Herzegovina and the Federal Republic of Yugoslavia had changed significantly. There was no longer a pattern of grave violations of human rights in those countries. Accordingly, Croatia should no longer be covered by the mandate of the Special Rapporteur on the situation of human rights in the former Yugoslavia and should no longer be targeted by the omnibus resolution. Croatia wished to see its cooperation with the United Nations in the field of human rights move away from monitoring and towards other forms of cooperation. Her country hoped to be an active partner in the promotion and protection of human rights and in contributing to regional and international security.

STATEMENT BY MR. PASKAL MILO, MINISTER FOR FOREIGN AFFAIRS OF ALBANIA

8. Mr. MILO (Albania) said that positive changes had occurred in Albania during the previous year with regard to respect for human rights, and the Albanian Government was in the process of drafting national strategies that would deal with specific aspects of those rights. Albania had drafted its first Electoral Code and established a Central Electoral Commission composed of independent experts, and democratic local elections had been held in October 2000. The measures taken by State bodies and the participation of all political forces in the political parties' round table held in early March 2001 were a good sign that the parliamentary elections scheduled for June 2001 would be held under democratic conditions. As the Special Rapporteur on the protection and promotion of the right to freedom of opinion and expression had noted in his report on his mission to Albania (E/CN.4/2001/64/Add.1), respect for that right had reached satisfactory levels. Some of the problems highlighted had been or were being solved, including the problem of issuing licences to private radio and television operators. Ethnic minorities were considered to be an integral part of Albanian society and had the right to be educated in their native language, the right to assemble and the right to participate in the country's governance,

and the Government was endeavouring, within the limits of its capacities, to increase respect for other rights. It also sought to protect religious freedom; as religious tolerance was a traditional feature of Albanian society, all religious institutions were allowed to conduct their activities.

9. Albania considered the implementation of international human rights instruments to be a primary obligation deriving from the Albanian Constitution, and it had begun preparing its reports to treaty bodies within the framework of a joint project involving the Ministry of Foreign Affairs, the Office of the United Nations High Commissioner for Human Rights and the United Nations Development Programme (UNDP). The human rights situation was not without problems, but the Albanian Government was taking the necessary steps to combat any phenomena that might directly or indirectly affect the exercise of those rights, such as poverty, illegal trafficking and isolated cases of violence.

10. The Albanian Government noted with satisfaction that the implementation of Security Council resolution 1244 (1999) was proceeding in the right direction, as the holding of local elections in Kosovo in 2000 had demonstrated. The peaceful way in which those elections had been conducted, the successful activities of the United Nations Interim Administration Mission in Kosovo (UNMIK) and the will of the people of Kosovo to establish their own democratic institutions seemed to indicate that the time had come to hold general elections in Kosovo. His Government believed that holding such elections as soon as possible would serve to institutionalize democracy and protect human rights in the region. It was also convinced that the Serb population of Mitrovica would assume its responsibilities in that regard.

11. Regarding the recent events in the former Yugoslav Republic of Macedonia, he reiterated his Government's firm opposition to any armed activities carried out by Albanian extremists. As the current chair of the South-East European Cooperation Process, Albania believed that resolution of the conflicts in the region required constructive dialogue between the parties. In that connection, he welcomed the positive and constructive attitude of the Macedonian authorities and the Albanian political parties. The Albanian Government had re-established diplomatic relations with the Federal Republic of Yugoslavia, which had been unilaterally broken by the Milosevic regime in 1999. He welcomed the release by the Serb authorities of some Albanian political prisoners but expressed the hope that all political prisoners would be released and that information on all persons who had disappeared during the conflict in Kosovo would be forthcoming. He reiterated his Government's request to the Serb authorities to hand over Slobodan Milosevic, who bore primary responsibility for the Albanian genocide in Kosovo, to the International Criminal Tribunal for the Former Yugoslavia.

12. He concluded by recalling that the fifty-seventh session of the Commission on Human Rights was coinciding with the twenty-fifth anniversary of the entry into force of the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights, and he expressed the hope that all States would continue to do all they could to ensure respect for human rights, as they had pledged to do at the Millennium Summit.

STATEMENT BY MR. MOHAMED AUJJAR, MINISTER FOR HUMAN RIGHTS OF MOROCCO

13. Mr. AUJJAR (Morocco) recalled that His Majesty King Mohamed VI had been committed to making Morocco a State governed by the rule of law and went on to highlight some of the country's achievements that served to underpin its current transition towards democracy. One of the first steps taken had been the establishment of an independent commission for the compensation of victims of enforced disappearances and arbitrary detention, composed of judges, lawyers and leaders of non-governmental organizations (NGOs). That commission had received more than 5,000 applications and had begun to award compensation to victims, but its main goal was to reintegrate and rehabilitate them. In an effort to ensure sustainable economic and social development, Morocco had also begun to undertake reforms in the areas of justice, the civil service, labour, public freedoms, the status of women, children's rights and the disabled. On International Women's Day, the main representatives of civil society had introduced a joint project to reform the Personal Status Code, or Mudawwanah. A committee composed of ulema, legal experts and representatives of civil society should be established to deal with that question and endeavour to meet women's legitimate aspirations.

14. Morocco was also speeding up its efforts to harmonize national legislation with the provisions of the international conventions it had ratified: texts on women's and children's rights were being finalized, as was the Code of Public Freedoms. The Moroccan Government was committed to supporting and strengthening freedom of the press. In the area of human rights education, the first phases of a national programme, which involved teacher training and textbook revision, had been completed. A human rights documentation, information and training centre had been established with the assistance of the Office of the High Commissioner for Human Rights and UNDP, and specialized training courses had been set up for members of NGOs, journalists and persons working in the corrections system.

15. Morocco considered the problem of Moroccans abroad to be one of its main concerns. The Government thus welcomed the fact that more and more States were signing and ratifying the International Convention on the Protection of the Rights of Migrant Workers and Members of Their Families and hoped that that trend would continue and accelerate. He commended the United Nations High Commissioner for Human Rights for her work in organizing the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance.

16. His Government was deeply concerned at the violations of the human rights of the 1,481 Moroccan prisoners of war in the camps at Tindouf which had been confirmed by certain NGOs, particularly Amnesty International. He appealed to the international community to ensure that those practices, which were contrary to the Geneva Conventions of 1949, were ended. The international organizations concerned should be encouraged to work together more closely in order to carry out the necessary investigations and determine responsibility.

17. Lastly, he drew the attention of the Commission to the serious situation in the Middle East and the ongoing deterioration in the living conditions of the Palestinian people, whose rights were being violated daily. The international community must assume its responsibilities by ensuring respect for the international legal order and by accommodating the legitimate aspirations of the Palestinian people to establish its own State and enjoy all its rights.

STATEMENT BY MR. JORGE CASTAÑEDA, MINISTER FOR FOREIGN AFFAIRS OF MEXICO

18. Mr. CASTAÑEDA (Mexico) said that a fundamental change had taken place in the Mexican Government's human rights policy since the election of Vicente Fox as President. The new Government had set ambitious goals, pledging to strengthen respect for human rights as a key element of reform, increase the involvement of civil society organizations in the formulation of Government policy, completely overhaul the system for the administration of justice, protect the rights of Mexicans abroad so that they could work there in conditions of safety and dignity, discharge the country's international human rights obligations by strengthening Mexico's cooperation with multilateral mechanisms for the protection of such rights, make Mexican legislation consistent with international human rights instruments, promote the teaching of human rights and investigate all instances of human rights violations and punish the perpetrators. The Mexican Government was also determined to combat the marginalization, poverty, inequity and injustice suffered by Mexico's indigenous people, which had been brought to light by the events that had taken place in Chiapas since 1994. Only when a lasting peace had been secured in that region and a culture of human rights established throughout the country could the new national democratization and development programme be implemented.

19. Upon taking office, President Fox had clearly demonstrated by his actions that he was committed to reconciliation and peace. He had announced the appointment of an ambassador for human rights and democracy who would actively participate in the work of the Commission. The Government had also signed a technical cooperation agreement with the Office of the United Nations High Commissioner for Human Rights on 2 December 2001, and negotiations for the establishment of an office of the High Commissioner in Mexico City would begin shortly. As a sign of its willingness to cooperate, Mexico was prepared to welcome representatives of international human rights organizations at any time in order to engage in a frank and constructive dialogue with them on measures to be taken to ensure respect for human rights in the country.

20. With a view to promoting the rights of indigenous peoples, Mexico had signed Convention No. 169 of the International Labour Organization (ILO) on indigenous and tribal peoples in 1989 and had ratified it in 1990; the Mexican Constitution had been amended in 1992 to acknowledge the country's multicultural composition, and Congress was to consider a Constitutional reform bill submitted by the executive branch that sought to recognize the autonomy and validity of indigenous systems of governance within the context of the State, in keeping with the agreements signed by the Government and the Zapatista National Liberation Army.

21. At the international level, Mexico, which advocated the universal application of international human rights instruments, planned to accede to those treaties to which it was not a party and would withdraw the reservations it had made, primarily to the Optional Protocol to the International Covenant on Civil and Political Rights, to the 1994 Inter-American Convention on Enforced Disappearances and the 1999 Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women. His Government would also endeavour to promote the ratification of instruments it had already signed and the harmonization of Mexican legislation with those instruments.

22. Mexico held the protection of human rights to be a universal value and an individual and collective obligation of States. It therefore did not share the view that the promotion and protection of human rights were the internal affairs of individual countries. There were no internal or foreign affairs where human rights were concerned, and respect for the principle of sovereignty must not serve as a pretext for violating those rights, for a State could not exercise its sovereignty for purposes that were inconsistent with the fundamental rights of its citizens or any individual within its jurisdiction. Moreover, Mexico believed that the entire international community was entitled to be concerned about the human rights situation in any State whatsoever, since respect for human rights could not depend solely on the will of a single Government. Mexico also rejected the idea that human rights was a Western concept and thus not applicable to societies which had other traditions and cultures. The notion of human rights may have first seen the light of day in the West, but human rights were universal, since they made every individual a full member of humankind. While differences in political systems, history and cultural and religious practices could indeed play an important role in the life of a society, they could in no case justify violating fundamental rights. Moreover, all States had an obligation to respect all human rights, whether economic, social and cultural or political and civil, for all rights were universal, indivisible and interdependent, as the 1993 Vienna Declaration had established.

23. Mexico was equally firm in maintaining that nothing, not even war, foreign invasion, isolation, blockades or ostracism, could justify violating fundamental human rights, as certain States maintained. Once again, effective respect for human rights must be unconditional. The defence of human rights should not be used for other purposes, however. Often the human rights situation in a particular country had been criticized for political reasons and not out of a genuine desire to defend human rights. Such misuse of human rights had led to a polarizing of positions and had weakened cooperation between States, causing the countries criticized to take a defensive attitude that was not conducive to genuine protection of human rights. It mattered little who did the denouncing or the criticizing, or why they did it; what was important was to determine whether human rights had actually been violated. His Government advocated a balanced approach to the question based on objective facts and not selective criteria which watered down any initiative for promoting human rights, and he reiterated Mexico's determination to ensure that those rights were enjoyed in all States.

STATEMENT BY MR. DATUK SERI SYED HAMID ALBAR, MINISTER FOR FOREIGN AFFAIRS OF MALAYSIA

24. Mr. HAMID ALBAR (Malaysia) said that while whole sections of the globe now lived in freedom, the international community was far from realizing the aspirations of "social progress and better standards of life in larger freedom" set out in the Universal Declaration of Human Rights. To do so it must accept the diversity that existed in the world with regard to historical experience, cultural traditions and levels of development, and must take a balanced and realistic approach to human rights, democracy and capitalism, factors that were intertwined and indispensable to human and national development.

25. The participants at the World Conference on Human Rights had affirmed that all human rights were universal, indivisible and independent and interrelated, which meant that the international community must treat them globally in a fair and equal manner, on the same

footing, and with equal emphasis. It was encouraging that the Commission on Human Rights had designated special rapporteurs on economic, social and cultural rights, and he hoped that that trend would continue, since some rights, such as the right to health, had yet to be given due attention. The right to development was of critical importance because it encompassed all other rights. If development efforts were not to be derailed it was important to create a supportive international regime or environment, such as a mechanism to pool contributions from rich countries that would then be used for infrastructure development in developing countries. Democracy was undoubtedly the best means of achieving social justice and promoting social inclusion. Nevertheless, it was a means rather than an end in itself. It was therefore imperative that every country should be able to establish a democracy that was productive rather than destructive, one that was synonymous with stability, prosperity and equity and not with anarchy, strife and misery. While capitalism was a factor in development, it was important to promote a humane form of capitalism that emphasized people rather than profits, economic efficiency and market dominance. That type of capitalism had even more merit given that globalization had had a major impact on the enjoyment of human rights. The attention paid by the Commission and the General Assembly to the linkages between globalization and human rights should therefore be welcomed. Malaysia had worked with the Office of the High Commissioner for Human Rights in organizing a regional seminar on globalization and its impact on the enjoyment of economic, social and cultural rights, which would be held in Kuala Lumpur in May 2001.

26. The promotion of human rights must take into account the unique characteristics of each society and be pursued at a pace suitable to the country concerned. The approach should be one of cooperation rather than confrontation. In that connection, he urged that more creative approaches should be developed to address human rights concerns. For instance, emphasis should be placed on technical cooperation and assistance, particularly in the areas of national capacity-building and human rights education. It was perhaps time to consider replacing the resolutions on country situations, which had yet to yield results, with technical assistance programmes. While welcoming the heightened interest shown in human rights issues, Malaysia and other developing countries were concerned that certain States were exploiting those issues to promote their own political and economic agendas. They did not serve the cause of human rights or the work of the Commission. Polarization of human rights in the international arena led to the selective application of human rights standards, and thus to unequal treatment of different countries. The major Powers were applying a double standard, which allowed certain countries to display contempt for the Commission's mechanisms, while others were condemned, if not sanctioned. That situation must be curtailed if the Commission's credibility was to be maintained. In that connection, Malaysia was deeply concerned by the suffering inflicted on the Palestinian people by the Israeli regime and by the systematic violation of that people's fundamental rights, particularly its right to self-determination, notwithstanding the numerous resolutions and meetings of the Commission and the General Assembly condemning such violations. The international community must put an immediate stop to them. Malaysia and the other members of the Organization of the Islamic Conference continued to call for the full implementation of Commission on Human Rights resolution S-5/1, on violations of the rights of the Palestinian people by Israel, which the Commission had adopted at its fifth special session. In that connection, the meeting of States parties to the Fourth Geneva Convention must be reconvened as a matter of urgency.

27. With the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance only months away, it was important to design strategies to combat one of the most pernicious forms of human rights violations. While the clearest manifestations of racism were institutional, as in the case of fascism or apartheid, racism also took less overt forms, such as xenophobia and other forms of discrimination or intolerance. Education, inclusion in nation-building, the promotion of equitable development and community involvement were indispensable elements of strategies to combat racism. As a multi-ethnic, multicultural country, Malaysia believed that equal weight must be given to the exercise of rights and the fulfilment of responsibilities. The vast majority of Malaysians accepted the need for give and take between communities, which meant that one group sometimes had to set aside its short-term interest in order to accommodate the interest of other groups, in the interest of national peace and stability. Malaysia was committed to the notion of human responsibility and looked forward to the report of the Sub-Commission on the Promotion and Protection of Human Rights on that topic.

28. Although at the time of its independence many had doubted that the multi-ethnic country could survive, Malaysia had succeeded in forging a united nation, raising the living standards of the population, preserving communal harmony and pursuing people-centred development. The country remained deeply committed to the protection of all citizens and to their exercise of their fundamental freedoms. The establishment in 1999 of the Malaysian National Commission on Human Rights, or Suhakam, reflected the Government's commitment to strengthening human rights standards in the country. Suhakam sought to increase awareness of human rights issues and investigated allegations of human rights violations. Malaysia believed that only through a rational, realistic and pragmatic approach could human rights problems be solved, and it would continue to advocate that human rights should be dealt with comprehensively, that democracy should be productive and that capitalism should be humane.

STATEMENT BY MS. ANNA LINDH, MINISTER FOR FOREIGN AFFAIRS OF SWEDEN

29. Ms. LINDH (Sweden), speaking on behalf of the European Union and the associated countries Bulgaria, the Czech Republic, Cyprus, Estonia, Hungary, Latvia, Lithuania, Malta, Poland, Romania, Slovakia, Slovenia and Turkey, expressed regret that the High Commissioner for Human Rights had decided not to seek a second term of office and commended her for her efforts, her courage and integrity and her wisdom and dedication.

30. While all human beings were born free and equal in dignity and rights, many women, men and children around the world suffered the consequences of exercising their human rights and fundamental freedoms. Harassed, tortured and even killed, they reminded the international community of its duty to speak out and to act on their behalf. Globalization of the economy, information and communications made that common responsibility obvious. Global access to information made it harder to cover up human rights violations and easier to address them. While globalization brought opportunities for social and economic development, it also increased the risk that people would be exploited. Global rules based on democracy and human rights were needed to enhance justice. The fact that more countries were becoming parties to human rights instruments and agreeing to cooperate with international human rights mechanisms was a welcome development. However, efforts to strengthen those mechanisms must receive political and financial support.

31. Human rights had not always been acknowledged. They had had to be fought for continuously and their legitimacy constantly claimed. There were times when there was a duty to speak up and to distinguish between right and wrong. Those who remained silent were also guilty. It was therefore necessary to support human rights defenders and to cooperate in particular with the Special Representative for human rights defenders and her fellow representatives and rapporteurs. Heads of State who claimed that their countries' safety and stability was undermined by the work of human rights defenders obviously failed to recognize that respect for human rights, democracy and the rule of law had a stabilizing effect and was a factor in economic and social development. Ideally, there should be a global consensus regarding human rights principles, but some countries were irritated by constant monitoring of their implementation of the relevant norms. All Governments must agree to such scrutiny and cooperate to ensure worldwide protection of human rights and ongoing implementation of those standards at home. The European Union attached great importance to that question as it underwent enlargement, and it therefore urged all Governments to cooperate with the human rights rapporteurs and representatives and to invite them to visit their countries. The countries of the European Union were ready to cooperate with the human rights mechanisms and to receive them.

32. From the right to life stemmed all other rights. Accordingly, the European Union had made combating the death penalty a priority. A number of countries considered the death penalty to be a legitimate means of punishing murderers and combating drug trafficking, terrorism, economic corruption or adultery. Yet regardless of the purpose cited, the death penalty ran counter to the very concept of human rights and dignity. The European Union was opposed to the death penalty in all cases, and under no circumstances should capital punishment be imposed on minors or persons suffering from mental handicaps.

33. Torture was one of the most abhorrent violations of human rights, and no exceptions from the prohibition against torture were permitted under international law. Yet torture persisted in spite of the international community's efforts, and perpetrators of torture continued to enjoy impunity in many countries. The European Union would continue to urge countries to take effective measures against torture and to rehabilitate and compensate torture victims. The Union would soon be adopting guidelines to combat and eradicate torture. She drew the Commission's attention in that connection to genital mutilation, an appalling form of torture practised in many countries which was born out of ignorance and, occasionally, misinterpretations of religion, and which had no other purpose than to control women. Governments that took legal action to combat genital mutilation deserved support, and those that did not or turned a blind eye to such practices must be criticized.

34. Trafficking in human beings was a contemporary form of slavery that was a gross violation of human dignity and an affront to the enjoyment of human rights. The phenomenon was not a new one, but its growing dimensions and alarming consequences for its victims made immediate attention necessary. In Europe alone it was estimated that some 500,000 women and children were victims of trafficking, especially for sexual purposes, every year. Such trafficking must be opposed at both the national and international levels, and a point of departure must be ensuring respect for and protection of women's and children's rights.

35. In order to prevent crises from escalating into armed conflicts, reports of human rights violations must be viewed as warning signals and action must be taken at an early stage. Experience indicated that the roots of conflicts were to be found in restrictions on the freedoms of expression, opinion and association. Preventing people from participating in decision-making led to insecurity and frustration. Discrimination based on religion, sex or race also provoked conflict. The European Union emphasized the need for the rapid establishment of the International Criminal Court in order to increase respect for international humanitarian law and human rights. By doing away with impunity for those who had committed or encouraged atrocities, the Court would help to promote peace.

36. It could not be stressed enough that human rights were indivisible and must include economic and social rights. Consolidation of the rule of law and free discussion encouraged economic growth and poverty eradication, and civil and political rights were enhanced when economic and social rights were protected. Democracy and freedom of expression were therefore of the utmost importance both for development and for the creation of a just society. Development, cooperation and free trade were also important instruments for promoting human rights.

37. It was to be hoped that the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance would be a success and send a clear signal that racism and discrimination had no place in contemporary society. She also hoped that the current session of the Commission would afford an opportunity for discussion based on lessons learnt and common aims, and that confrontation would be replaced by cooperation, resistance by involvement and nice words by action. It was a question of political will.

STATEMENT BY MR. OULAI SIENE, MINISTER OF JUSTICE OF CÔTE D'IVOIRE

38. Mr. SIENE (Côte d'Ivoire) said that Côte d'Ivoire had always been a land of peace, immigration and welcome, as demonstrated by the presence in the country of non-nationals from many different places, and it intended to remain an open country in which nationals and non-nationals alike lived in perfect harmony. Since taking office, President Gbagbo had made every effort to bring about national reconciliation so that once peace and security were restored the entire population could look with determination towards the future and hope.

39. Côte d'Ivoire was deeply committed to the principles of democracy and respect for human rights as proclaimed in the international human rights convention, almost all of which it had ratified. The adoption of a number of legislative measures had enabled the country to make considerable progress towards democracy. In 1990, in accordance with the wishes of its people, Côte d'Ivoire returned to a multiparty system, and as of 1 August 2000, in order to become a State truly governed by the rule of law, it had a new Constitution which guaranteed genuine separation of the executive, legislative and judicial powers and more clearly affirmed the independence of the justice system. New republican institutions had been established and were gradually being set up: Parliament, the Constitutional Council, the Court of Cassation, the Council of State, the Court of Audit, the Economic and Social Council and the Great Mediator of the Republic. The entire electoral process was now overseen by an independent commission. A State governed by the rule of law meant fair and transparent elections, but also good governance. The President and the Government were determined to combat fraud and corruption in the

management of the State. Furthermore, seeking to ensure that wealth was distributed fairly and combat regional disparities, a decentralization policy had been formulated which the public authorities hoped to implement immediately after municipal elections were held on 25 March 2001.

40. The country's new Constitution was another step forward in the area of human rights. The whole of Section I, which contained 28 articles, consisted of a recognition of freedoms and a commitment to ensure their effective enjoyment. The human person was declared to be sacred, and the rights to life, freedom, human development and respect for human dignity were declared to be inalienable. The death penalty had been abolished. All acts and situations of slavery and inhuman, cruel, degrading and humiliating treatment were also forbidden. Constitutional measures also ensured that the people's determination to combat and eliminate all forms of racial discrimination would be respected. Propaganda that had the aim or effect of promoting one social group over another or encouraging racial or religious hatred and any political parties established on regional, religious, tribal, ethnic or racial grounds were prohibited. Currently, more than 26 per cent of the country's 16 million inhabitants were non-nationals who lived in perfect harmony with the indigenous population. As for refugees, who had totalled 124,000 as at 31 January 2001, no discriminatory measures had been applied when receiving them or providing them with housing. There had never been any refugee camps in Côte d'Ivoire, for refugees were lodged in people's homes. Côte d'Ivoire had been commended for that by the Office of the United Nations High Commissioner for Refugees and the Organization of African Unity. Efforts to combat racial discrimination were ongoing and demanded unceasing vigilance. For that reason Côte d'Ivoire maintained that the development of a culture of tolerance must be the responsibility of each State. The country had always upheld the principle of separation of church and State in its fundamental legislation, although everyone was free to practise his or own religion. There was no discrimination between Muslims, Christians and animists. All were urged to practise religious tolerance and freedom.

41. Freedom of the press was a reality in Côte d'Ivoire and was guaranteed under the Constitution. No journalists were currently in prison, as the Press Act proscribed such detention. Under that Act an independent national commission had been established to ensure that journalists met their obligations. Professional ethics were consistently advocated by the Observatory for Press Freedom, a fully independent body run by journalists themselves that sought to promote and uphold freedom of the press, to protect the public's right to free, complete, honest and accurate information and to ensure the safety of journalists in their work.

42. A Department of Human Rights and Public Freedoms existed within the Ministry of Justice and Public Freedoms, and an independent national human rights commission would soon be established. Côte d'Ivoire had requested technical assistance from the Office of the United Nations High Commissioner for Human Rights with a view to preparing a national plan for the promotion and protection of human rights. The Côte d'Ivoire Government was committed to combating impunity and had responded to all requests for information from the special rapporteurs of the Commission on Human Rights. All cases of human rights violations were brought before the courts, and proceedings were conducted in full. Côte d'Ivoire was and would remain a country of peace and a land of welcome for all, and it intended to collaborate with all countries.

ORGANIZATION OF THE WORK OF THE SESSION (agenda item 3) (E/CN.4/2001/12; E/CN.4/2001/CRP.1 and CRP.2)

43. The CHAIRMAN said that the Bureau of the fifty-seventh session of the Commission had met the previous day and had drawn up a draft timetable for the work of the session which was contained in an annex to the order of the day (E/CN.4/2001/OD.2). If he heard no objection, he would take it that the Commission wished to adopt the draft timetable.

44. It was so decided.

45. The CHAIRMAN said that the Bureau had carefully considered document E/CN.4/2001/CRP.1, on main rules and practices followed by the Commission on Human Rights in the organization of its work and the conduct of business, and had decided to suggest that the Commission should adopt most of the rules and amend some of them. Others were still being considered by the regional groups in informal consultations and would therefore not be discussed.

46. With regard to speaking time and other arrangements, the Bureau suggested that paragraphs 2, 3 and 5 should be adopted without amendment. With regard to joint statements, the Bureau also suggested adopting paragraphs 7 to 10 without amendment. With regard to paragraph 6, he suggested that when a group of States consisted of both Commission members and observers, statements by that group should be placed on the list of speakers reserved for members even if the statement was read out by the representative of a State that was not a member of the Commission. In addition, States chairing those groups were requested to transmit to the secretariat a complete list of group members. That was important, since if a member requested the floor on an individual basis, the time allotted for the statement would be only half that normally allowed if a joint statement was more than 10 minutes long. The length of such statements had not yet been set, in view of the amendments proposed by certain regional groups.

47. The Bureau also suggested adopting paragraphs 11 (Other rules that apply to NGO statements) and 12 ("Concerned" countries). With regard to special procedures, the Bureau suggested that the words "before consideration of the agenda item in question is concluded" at the end of paragraph 13 and the following phrase at the end of the first sentence in paragraph 15: "while endeavouring to avoid, to the extent possible, the proliferation of informal meetings and the holding of several meetings simultaneously". Guest speakers (dignitaries), discussed in paragraph 17, should limit their statements to 15 minutes, with the Chairman authorized to give them an additional 5 minutes. The Bureau suggested that paragraph 19 (National institutions) should be adopted without amendment.

48. With regard to the introduction of draft resolutions (para. 20), the Bureau recommended that a co-sponsor requesting to take the floor should be allowed to do so for up to five minutes instead of three minutes.

49. The Bureau also suggested that paragraphs 21, 22 and 24 to 26 (List of speakers), paragraphs 27 and 28 (Draft resolutions), paragraph 29 (Quorum), paragraphs 30 to 32 (Points of order) and paragraphs 33 and 34 (Agenda item 4) should be adopted without amendment.

50. It was understood that the agenda item entitled "Organization of the work of the session" would remain open throughout the fifty-seventh session, as in previous sessions. The Bureau also recommended that, as in previous years, a number of invitations should be issued in connection with specific agenda items and sent to all members of the guest list.

51. The Bureau next proposed the adoption of paragraph 35 (Action on draft proposals emanating from the Sub-Commission) and paragraph 36 (Written statements by NGOs), with the addition of the following phrase at the end of paragraph 36: "in accordance with Economic and Social Council resolution 1996/31". The Bureau also proposed the adoption of paragraph 37 (Distribution of statements), paragraph 38 (Meetings of the Bureau), subject to replacement of the phrase "whenever necessary" with the words "and at any other time, as necessary", and paragraph 39 (Announcements by the secretariat), paragraph 40 (Transparency and consultations), paragraphs 41 and 43 (Accreditation), 44 to 47 (Seating and other arrangements for NGOs in the conference room) and 50 to 53 (OHCHR Web site).

52. The CHAIRMAN said that if he heard no objection, he would take it that the Commission wished to adopt the suggestions made by the Bureau.

53. It was so decided.

54. The CHAIRMAN invited delegations to transmit to him, through the regional coordinators, their suggestions and proposals concerning the special debate of the Commission on tolerance, scheduled for 26 March 2001.

55. Ms. KUNADI (India), speaking on behalf of the group of Asian States, recalled the need to streamline and rationalize the work of the Commission to ensure optimum utilization of available time and resources and to facilitate a working environment conducive to consensus-building. The Commission should continue to explore ways of managing time more effectively, limiting additional meetings, avoiding parallel informal meetings and ensuring punctuality and facilitating and rationalizing NGO participation in its work, in accordance with the relevant resolutions of the Economic and Social Council. The Asian States wished to underline the importance of cooperation, dialogue, consultation and consensus-building in enhancing the effectiveness of the Commission and avoiding politicization of its work, particularly under agenda item 9. Accordingly, the Asian States urged other delegations to do their utmost to promote greater transparency in the consultations on all draft resolutions. The dates and times of such consultations should be announced in advance, and consultations should not be held at the same time as plenary meetings so that smaller delegations would not be marginalized.

56. While the Asian States encouraged the participation of NGOs in the work of the Commission, they believed that their role should be clarified. The secretariat should therefore ascertain the status of all NGOs and carefully consider requests for the floor prior to each meeting and encourage NGOs to make joint statements, meticulously adhering to the relevant time limits. The secretariat should apply the guidelines set out in Economic and Social Council resolution 1996/31 strictly. Those measures were essential to ensure the objectivity, representivity and effectiveness of NGO participation and to promote dialogue and cooperation between NGOs and government delegations. It was also essential to end the misuse of

procedures by certain NGOs which distributed spurious or scurrilous documents inside and outside the conference room during the Commission session in order to advance certain interests other than human rights. Such practices not only vitiated the atmosphere in the Commission but also undermined the ability of responsible NGOs to make a real contribution to the defence of human rights. All such abuses should be reviewed by an intergovernmental body such as the Committee on Non-Governmental Organizations in New York, but the Bureau of the Commission should also consider whether action to address the situation might not be open to it under the rules of procedure.

57. The Asian States believed that the biennialization and clustering of agenda items, a reduction in the number and length of resolutions and strict compliance with the time limits for statements would make it possible to reduce the length of Commission sessions to four weeks without undermining its effectiveness, and they therefore recommended that the Bureau should keep the matter under review in consultation with the regional groups. She recalled that the inter-sessional open-ended Working Group on Enhancing the Effectiveness of the Mechanisms of the Commission on Human Rights had underlined in its report (E/CN.4/2000/112) the importance of compliance with the six-week rule for the submission of reports and with General Assembly resolution 53/208, which specified the length of reports, and she urged that the Commission should study, in consultation with the secretariat, ways of solving the problem of delays in the distribution of sessional documents.

58. Special rapporteurs and representatives should discharge their mandates in a spirit of dialogue and cooperation, and should be present during the debate on their reports in plenary meetings. The Asian States looked forward to the report of the annual meeting of special rapporteurs and representatives, experts and chairpersons of working groups of the Commission (E/CN.4/2001/6) and their comments on the work being done on a code of conduct for experts on mission and United Nations officials other than secretariat staff.

59. She concluded by assuring the Commission that the Asian States would do their utmost to create a climate of cooperation and harmony within the Commission and expressed the hope that those efforts would be reciprocated by all other delegations.

Statements in exercise of the right of reply

60. Mr. DEMBRI (Algeria) said it was unfortunate that the Minister for Human Rights of Morocco had felt it necessary in his statement, to engage in a pointless diatribe about the nature of the Saharan people's struggle by mentioning the presence of Moroccans in the Tindouf camps, which were in fact a camp for Saharan refugees who were waiting to exercise their right to self-determination in accordance with the 1997 Houston agreements. It should be recalled that the referendum on self-determination that was to have been organized by Spain had never taken place because the territory of Western Sahara had been invaded after the death of General Franco in 1975.

61. As for the prisoners of war to which the Minister for Human Rights of Morocco had referred, thereby acknowledging that a war was indeed taking place between Morocco and another people, their return and the return of refugees were elements that had been negotiated in the Houston agreements and the United Nations peace plan. Those were the facts, which should

not be disguised, and any State that locked up an entire people behind a wall of sand and built a concentration camp of such magnitude was in no position to preach about human rights to other countries.

62. Mr. BENJELLOUN-TOUIMI (Observer for Morocco) said that the Moroccan Minister for Human Rights had raised the issue of the people in the camps from the standpoint of human rights and had only reiterated information published by Amnesty International in 1999 on the situation in those camps. For his part, he would like to know why Algeria had refused to allow the population of those camps to be counted for 25 years and why UNHCR had not been allowed to do so, as though there was something to hide there. What was of interest to the Commission on Human Rights was not the historical process of decolonization, but human rights in general and the human rights situation in an area of Algeria in particular. Algeria continued to maintain that Moroccan prisoners were not its responsibility. It would therefore be useful to know whether the territory on which the Tindouf camps were located fell under its jurisdiction from an international standpoint.

63. Mr. DEMBRI (Algeria) noted that the settlement plan for Western Sahara prepared by the United Nations in collaboration with OAU affected only those Saharans represented by the Frente Polisario and Morocco; consequently Algeria was not involved. Algeria was bound to observe the Houston agreements, which it was doing, and it was up to Morocco to ensure that the refugees were able to return home. A Saharawi Arab Democratic Republic with a Western Saharan Government did in fact exist and was recognized by more than 70 States and was a member of OAU. It was illogical for Morocco to speak of camps with Moroccan refugees or prisoners of war when the referendum on self-determination had not been held. It was for Morocco to demonstrate good will by authorizing the holding of the referendum and ensuring that all refugees could return to their homes.

64. Mr. BENJELLOUN-TOUIMI (Observer for Morocco) said he was surprised that the representative of Algeria was speaking in exercise of the right of reply if Algeria was not concerned by the question of Western Sahara. Moreover, he had not answered the question as to whether the Tindouf camps were in Algerian territory or Algeria's responsibility under international law. The key issue was the human rights situation in the Tindouf camps, and that was the only point that should hold the Commission's attention.

The meeting rose at 1 p.m.

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26 March 2001

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COMMISSION ON HUMAN RIGHTS

Fifty-seventh session

SUMMARY RECORD OF THE 3rd MEETING

Held at the Palais des Nations, Geneva,
on Tuesday, 20 March 2001, at 3 p.m.

Chairperson: Mr. DESPOUY (Argentina)

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STATEMENT BY THE MINISTER FOR FOREIGN AFFAIRS OF PORTUGAL

ORGANIZATION OF THE WORK OF THE SESSION (continued)

REPORT OF THE UNITED NATIONS HIGH COMMISSIONER FOR HUMAN RIGHTS AND FOLLOW-UP TO THE WORLD CONFERENCE ON HUMAN RIGHTS

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GE.01-12005 (E)

The meeting was called to order at 3.10 p.m.

STATEMENT BY THE MINISTER FOR FOREIGN AFFAIRS OF PORTUGAL

1. Mr. GAMA (Portugal), having expressed his Government's appreciation of the work carried out by the United Nations High Commissioner for Human Rights over the past three years and his conviction that her commitment to the protection and promotion of human rights throughout the world would continue, said that he wished to reaffirm the importance Portugal attached to the protection of human rights, which were inalienable and flowed from the dignity of the human being.

2. Action by the State and the international community for the promotion of human rights was essential, however. In the case of economic, social and cultural rights, which had evolved after the "first generation" of rights, State action was required not only to protect them but also to create the conditions for their fulfilment at both the domestic and international levels.

3. His Government saw human rights as an essential guiding principle in shaping its policies. Consequently, it strove for the universal abolition of the death penalty, as a fundamental contribution to the enhancement of human dignity.

4. Human rights violations continued to occur in many regions and countries. The international community could not stand idly by. Only constant and persistent action could prevent such violations; that was the very raison d'être of the Commission. In that connection, it was important not to neglect what could be done through education to promote a culture of tolerance and respect, to help new generations to recognize their own rights and those of others, and to avoid the recurrence of past errors. His delegation would be introducing a specific resolution on the right to education at the current session, as well as its traditional resolution on the realization of economic, social and cultural rights.

5. Turning to specific situations, he said that there were still several issues to be resolved in East Timor. It was important to promote accountability, full disclosure of the truth and national reconciliation. The situation of the refugees in West Timor still gave rise to deep concern, since they lacked food, shelter and basic sanitary conditions. Many were still deprived of the right to exercise the choice of returning to their land. In addition, militia groups remained active, intimidating refugees and even attempting to infiltrate East Timor. He trusted that the Commission would remain seized of the matter until a satisfactory outcome was achieved. The Commission should also pay particular attention to the situation in the Middle East, especially Palestine. It was important that a balanced approach should be maintained while efforts to achieve a lasting solution continued.

6. He wished to draw attention to the situation of eight Portuguese citizens who had been taken hostage in the Angolan province of Cabinda. That was an intolerable action, which flagrantly violated both human rights and humanitarian law. His Government appealed for their immediate release and asked for the solidarity and support of the Commission and the international community.

7. The forthcoming World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance would provide a unique opportunity to contribute to the progress of mankind. His country's commitment to the fight against racism and racial discrimination was demonstrated by its policies and by its comprehensive legal system, which provided ample protection for all those subjected to racial discrimination.

8. His Government constantly sought to promote and defend human rights, both within the European Union and in other multilateral organizations. In that spirit, the Portuguese delegation would continue to work within the Commission.

ORGANIZATION OF THE WORK OF THE SESSION (agenda item 3) (continued) (E/CN.4/2001/12; E/CN.4/2001/CRP.1 and 2)

9. Mr. AKRAM (Pakistan), speaking on behalf of the States members of the Organization of the Islamic Conference (OIC), said that, in accordance with the precepts of Islam, the countries he was representing accorded primacy to the promotion of human rights and to a culture of peace and of tolerance for other religions and civilizations. The Commission's work could, however, be improved. The inter-sessional open-ended working group on enhancing the effectiveness of the mechanisms of the Commission had addressed that issue and the OIC would appreciate an exercise to evaluate its impact in improving the Commission's work.

10. The OIC had consistently condemned the violations of human rights in the occupied Palestinian territories, the Syrian Golan, the Lebanese territory occupied by Israel, Kosovo, Jammu and Kashmir, Bosnia and Herzegovina, as well as the Armenian aggression against Azerbaijan and the inhuman isolation imposed on the Turkish Cypriot people. In particular, the unabated violations of the human rights of the Palestinian people by the Israeli defence forces continued to evoke deep concern in the Islamic world.

11. The Commission should give priority at its current session to putting an end to those violations and to the grave breaches of humanitarian law, which had been referred to in the reports of the United Nations High Commissioner for Human Rights (E/CN.4/2001/114), the human rights inquiry commission (E/CN.4/2001/121) and the Special Rapporteur (E/CN.4/2001/30). The convening and outcome of the fifth special session of the Commission had been a manifestation of the international community's deep concern and it was disturbing to note that the implementation of the resolution adopted at that session had not received due attention. It was regrettable, moreover, that only four special rapporteurs had expressed an interest in visiting the region and he urged all the special mechanisms to arrange visits to Israel and to the occupied Palestinian territories.

12. The OIC was opposed to politically motivated country-specific resolutions. If they were deemed essential, they should be proposed only in cases where there was proof of gross and consistent human rights violations. Moreover, consensus should be sought wherever possible. The presentation of resolutions against a number of Islamic countries year after year could be interpreted as a built-in bias against the world of Islam; greater restraint would serve to increase harmony among the different groups in the Commission. One OIC member had had its human rights situation considered for 18 years, despite its progressive development of human rights.

13. The availability of all documents in good time was an important requirement for informed debate. There should be no deviation from the rule regarding the availability of country reports by special rapporteurs six weeks prior to the consideration of the relevant item. The reports should respect the 32-page limit and should integrate the responses of the countries concerned. They should also be written objectively, without aiming to condemn specific countries.

14. He noted that some special rapporteurs and special representatives had tended to misinterpret their mandates. They should accord equal importance to all aspects of the mandate in question and avoid selective reporting. The practice of presenting joint reports also needed careful consideration. In that context, he requested a progress report on the possible code of conduct for experts on mission, in conformity with Commission decision 2000/109.

15. Many OIC members had small delegations. He therefore urged that information concerning negotiations on resolutions - which should be conducted transparently - be made available at least 24 hours in advance. He reaffirmed the Organization's appreciation of the important role played by non-governmental organizations (NGOs) in the Commission. In view of the rapid increase in their numbers, however, they should make joint statements, thus enabling more such organizations to participate and saving precious time and resources. Similarly, self-restraint in the presentation of resolutions would be welcome. In cases where developments were slow, resolutions could be biennialized. Consideration should also be given to reducing the duration of the Commission's sessions from six to four weeks.

16. Lastly, the OIC deeply respected the think-tank role of the Sub-Commission on the Promotion and Protection of Human Rights and would resist any attempts to marginalize its role. The Sub-Commission had, most commendably, managed to restrict its session to three weeks and had tried to avoid duplication of the work being conducted by the Commission itself.

17. Mr. SUTOYO (Indonesia), speaking also on behalf of the like-minded countries of Algeria, Bangladesh, Bhutan, China, Cuba, Egypt, India, the Islamic Republic of Iran, Malaysia, Myanmar, Nepal, Pakistan, the Philippines, Sri Lanka, the Sudan and Viet Nam, said that it was time for the world community to draw some lessons from its activities in the field of human rights, especially as the cold war had been over for almost a decade. It was a matter of concern that politicization, confrontation, selectivity and double standards continued to prevail within the Commission. Statements, including some by dignitaries, were often politically motivated. Such practices, which were rarely seen in other forums of the United Nations system, should be avoided, for they ran counter to the purposes and principles of the Charter of the United Nations.

18. The like-minded countries commended the fact that the imbalance between civil and political rights, on the one hand, and social and cultural rights and the right to development, on the other, was being redressed to some extent. It was, however, an issue of the utmost significance and more could be done. It was worrying that the Commission persisted with its usual procedures. With its extended meetings, the session essentially dragged on for more than six weeks. Although some draft resolutions had been biennialized, other initiatives had emerged, some of which lacked transparency. The frequent practice of parallel consultations during the session made it difficult for smaller delegations to be fully involved. He called for prompt and effective steps to be taken to address all those issues.

19. The like-minded countries welcomed the participation of NGOs in the Commission's work but they should act in accordance with Economic and Social Council resolution 1996/31. There should also be a code of conduct to ensure that no abuses occurred. By misleading fellow representatives, certain NGO groups continued to gather signatures for written statements for circulation within the Commission. Responsibility should be assigned to each signatory, however, and NGOs attending the Commission should not be permitted to distribute scurrilous and politically motivated material. Those not having consultative status with the Economic and Social Council should not be permitted to distribute documents inside or outside the conference hall during the session, nor should such organizations be allowed to share platforms with organizations having such status.

20. It was also important that States should abide by the rules of procedure of the Council's functional commissions. The legitimate right of States to act in accordance with those rules should be fully respected. No country was perfect in terms of human rights enjoyment. The like-minded countries wished to emphasize the importance of dialogue, cooperation and consensus building so as to increase mutual understanding. They were concerned that almost all the country-specific resolutions adopted each year by the Commission targeted developing countries. Several of the like-minded countries had had their human rights situations considered for a decade and in one case such consideration dated back 18 years, despite the fact that their efforts and achievements in the field of human rights were acknowledged by the international community. The Commission should find other approaches to the issue of human rights.

21. Mr. QIAO Zonghuai (China) said that his delegation fully endorsed the statement by the previous speaker on the agenda item. Among the important principles in the Charter of the United Nations were sovereign equality and non-interference in internal affairs. For many years, a few countries had persisted in taking on the role of judges, patronizing and pointing the finger at others, while ignoring their own problems. That approach contravened the spirit of the Charter and should be rejected by the Commission. Confrontation should be replaced by dialogue in a calm and dispassionate way but some countries still clung to the cold war mentality, which could only tarnish the Commission's credibility and poison its working atmosphere. He urged such countries to put an end to politicization and return to the track of dialogue and cooperation.

22. For many years, a lack of even-handed treatment in the Commission had resulted in greater importance being attached to civil and political rights than to social, economic and cultural rights and the right to development. Action should be taken to redress that lack of balance. Complaints had also been heard that some delegations were prevented from effective participation in the discussion of relevant items owing to the fact that Commission documents were issued late. Appropriate measures should be adopted in that regard also. The Commission should reduce its session to four weeks, but the first step must be to enhance its efficiency.

23. The rules of procedure applying to the Commission had been adopted by the Economic and Social Council in 1947, and the Council was the only body that could revise them. States had, however, the right to raise any procedural issue prior to such revision. That would guarantee the normal functioning of the Commission's work and guard against politically motivated acts.

24. Mr. AMAT FORÉS (Cuba), having endorsed the statement by the representative of Indonesia, said that his delegation also shared the views expressed by the spokesman for the Latin American-Caribbean Group, concerning document E/CN.4/2001/CRP.1, paragraph 16 of which was inappropriate and should be deleted. While intended to protect the freedom of opinion and action of the special procedures representatives, it curtailed the exercise of that freedom by the members of the Commission, to which those representatives should be accountable.

25. His delegation felt growing concern at the Commission's totally inadequate working methods. In 1997, the group of like-minded countries had invited the Commission to give the matter serious consideration but nothing had changed since then. Political manipulation, selectivity and double standards persisted and were harmful to the Commission's credibility. The very limited time available also severely affected the Commission's work. The problem was of such a magnitude that it was impossible to hide it. Within its allotted period of six weeks, the Commission had far more work to do than a decade previously, despite the fact that it had not then been required to stand host to 65 dignitaries, as at its fifty-sixth session; that two meetings had not been sacrificed then for a "special debate"; that there had not been 33 country or thematic special procedures introducing reports; that there had not been 90 countries accredited as observers; and that there had not been over 100 draft resolutions or decisions to be analysed and then put to the vote.

26. The same applied to documentation, but that problem was even more acute. At the fifty-sixth session, some 6,500 pages of documents had been submitted, 6,000 of them for consideration during the session. That staggering figure would almost certainly be surpassed at the current session. It was impossible for such quantities of documentation to be properly reviewed. Even if a proper review were possible, delegations were expected to comment on hundreds of pages in a 10-minute statement (half the time they had been allowed some years previously).

27. The problem was compounded by the frequent non-availability in due time of basic documentation. In some cases, the editorial process of key documents had not been completed, even though the general debate on the relevant item had already begun. His delegation refused to accept the continuation of that practice.

28. If that situation continued unchanged, there would be less opportunity each year to analyse documents, negotiate or participate fully in the deliberations of the Commission. The proceedings would turn into a "virtual" exercise, alien to the real world. He urged the Commission, therefore, to give careful consideration to the improvement of its working methods.

29. His delegation was also concerned about the lack of established guidelines for the preparation and organization of the so-called "special debate". States members of the Commission should have the major responsibility both for choosing the annual theme and for establishing the pool of possible participants, as was done in the other functional commissions of the Economic and Social Council.

REPORT OF THE UNITED NATIONS HIGH COMMISSIONER FOR HUMAN RIGHTS AND FOLLOW-UP TO THE WORLD CONFERENCE ON HUMAN RIGHTS (agenda item 4) (E/CN.4/2001/6, 16, 114, 133; E/CN.4/2001/NGO/27; E/CN.4/2000/12)

30. Mrs. ROBINSON (United Nations High Commissioner for Human Rights), introducing her annual report (E/CN.4/2001/16), said that it was focused almost entirely on the Commission's role in the preparations for the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance. The Commission could exercise real leadership in the struggle against racism, particularly by integrating a conscious perspective of practical preparations for the Conference into its discussion of the relevant agenda items. The audience waiting for such leadership was very large and included people in many situations throughout the world.

31. It was important to build on certain understandings that had been reached with regard to the main issues to be addressed at the Conference. At such a strategic stage in the preparations, the high-level dignitaries who would be addressing the Commission at its current session were in an ideal position to build bridges between the various positions. Even in the sensitive issue area of addressing the legacy of slavery, language could be found to reflect properly the international community's horror at the injustices committed, and to express its determination that such abuses of fundamental human rights should never again be allowed.

32. The Commission should also identify concrete measures which could be immediately implemented by States as part of their national preparations for meaningful participation in the Conference. It should be guided, inter alia, by the pioneering work of the Committee on the Elimination of Racial Discrimination.

33. Certain key conventions still awaiting universal ratification were enumerated in the report. She had urged the 25 States that had not yet ratified the International Convention on the Elimination of All Forms of Racial Discrimination to do so in the months leading up to the Conference. Her Office was ready to provide assistance to those States whose ratification of human rights instruments was constrained by a lack of technical or financial resources. She also wished to urge more Sates to join the 33 which had made declarations under article 14 of that Convention. States should, however, demonstrate their serious intention to eradicate racism not only by ratifying the relevant international instruments, but also by taking practical measures to incorporate them into their national laws and policies.

34. The international community should take cognizance of contemporary trends in racism. It was a matter of concern that, despite the defeat of apartheid, certain old forms of racism persisted and that discriminatory laws and policies continued to exist in several countries. The previous decade had witnessed the outbreak of brutal racial and ethnic tensions throughout the world. Civilians, particularly women and children, had been the victims of unspeakable cruelty. In its discussion of racism, the report focused on three kinds of movement: the movement of people, the movement of information and the movement of capital.

35. In a shrinking, increasingly globalized, world, migration was likely to intensify, whether in a managed way with respect for human rights or with a further increase in illegal and undocumented migrants. Urging States to ratify the International Convention on the Protection

of the Rights of All Migrant Workers and Members of Their Families, she wondered why the rights of migrants were accorded such a low priority. That instrument had yet to enter into force, having received only 16 ratifications, whereas the recently adopted Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention against Transnational Crime, had received widespread support.

36. Persons tricked, sold, coerced and trafficked as part of the labour force or sex trade represented a particularly vulnerable group. The adoption of the Protocol to prevent, suppress and punish the trafficking in human persons was most welcome, therefore, especially since it contained a number of provisions providing for the protection of and assistance to such persons.

37. Refugees and internally displaced persons were also particularly vulnerable to racist abuse. Real political leadership must be exercised in refugee matters so as to give meaningful effect to the right to asylum. Several countries, particularly in Asia, were not parties to the 1951 Convention relating to the Status of Refugees. It was particularly important that Asian States should adhere to the Convention since Asia lacked a regional framework for refugee rights.

38. In Europe, racism and xenophobia were fuelled by restrictive policies that effectively eroded the right to asylum. Some States invoked technical issues to deny protection to refugees, which represented a serious constraint in the protection of victims of racism. Thus, for example, they differentiated between State and non-State persecution. The Commission should express strong support for the theme chosen by the United Nations High Commissioner for Refugees (UNHCR) for the special anniversary year of his Office, namely, "respect".

39. Racial and ethnic conflicts had also exacerbated the internal movement of persons, with many of the world's 25 million internally displaced persons facing ethnic and racial hatred and violence. It was therefore fitting that an inter-agency approach to the protection of such persons was currently being developed.

40. On the movement of information, the report raised the urgent need to address the misuse of the Internet for racist ends, as well as related issues of freedom of expression.

41. With regard to the movement of capital, she had met business and trade-union leaders during the World Economic Forum at Davos and elsewhere to discuss how the private sector might best contribute to eradicating racism.

42. The report also highlighted the gender dimension of racial discrimination. In elaborating their national policies, States should pay special attention to the specific needs of vulnerable women, such as women victims of conflict, indigenous women, refugee women, migrant women, and trafficked women. She was heartened by the recent judgements of the International Tribunals for Rwanda and for the Former Yugoslavia, which had drawn attention to the fact that women were often deliberately targeted for violence. The recent convictions of rape and enslavement as crimes against humanity served as a reminder that impunity for such crimes would not be tolerated by the international community.

43. The report also examined the issue of youth and racism. Too many children were being deprived of basic education, health care, food, or adequate housing on racist grounds.

44. No region, country, or community could fairly claim to be free from intolerance. The struggle against racism was a struggle for all nations, both large and small. Each State must undertake a review of its laws and policies to eliminate discrimination and to ensure the availability of remedies and complaints mechanisms. Each State should establish relevant institutions and develop education and training programmes to foster tolerance and appreciation of diversity as part of its efforts to eliminate racism.

45. The best contribution States could make to the World Conference was to take immediate action to eliminate the suffering of victims of racism, so that their achievements could be celebrated at Durban.

46. The annex to the report contained a summary of the country missions she had undertaken to the Democratic Republic of Congo, China, Venezuela, Mexico, and Colombia.

47. Mr. FUTRAKUL (Thailand), having expressed his regret at the High Commissioner's decision not to seek a further term of office, especially since her visit to Thailand the previous month had helped raise awareness of human rights in the country and region, said that his delegation shared the High Commissioner's concern at the seriousness of the multifaceted problems of racism, aggravated as they were by globalization. The linkage between increasing third-world impoverishment and global migration had been observed to be a trigger for racial violence and discrimination. "Freedom from want" was, indeed, inextricably linked to "freedom from fear".

48. In Thailand, a national committee had been established to consider the country's accession to the International Convention on the Elimination of All Forms of Racial Discrimination which was expected before the World Conference. The new Constitution gave effect to the letter and spirit of the Convention and mandated the elaboration of a national plan of action as well as the establishment of an ombudsman and a national human rights commission. The country had also hosted the Ninth Workshop on the Promotion and Protection of Human Rights to support the efforts of the Office of the High Commissioner for Human Rights (OHCHR) in the region.

49. Human rights courses had been incorporated into university curricula, and a course on international humanitarian law included in the curriculum of the military academy. Further courses were also being developed for elementary and high schools. Education was the key to resolving and preventing problems associated with racism and racial discrimination, but international assistance was required. As President Mandela had put it, developing countries should not be forced to choose between books and bread.

50. Although action had to begin at home, global governance also needed to be strengthened and the international decision-making processes made more inclusive. In particular, coordination between the United Nations system and the Bretton Woods institutions should be further enhanced to ensure that development activities incorporated a human rights perspective and took account of the rights of minorities.

51. If human rights were to be promoted and protected, preventive as well as curative measures were needed. In view of the importance of the "politics of cooperation" as opposed to the "politics of name and shame", there must be civil dialogue between all the parties concerned.

52. Mr. LIU Xinsheng (China) welcomed the work of the High Commissioner, particularly the emphasis she laid on the equal importance of both categories of human rights and her appeals for cooperation instead of confrontation between States on human rights issues. The importance she attached to economic, social and cultural rights was fully in line with the concerns of the developing countries, as well as being conducive to international dialogue and cooperation. OHCHR must abide strictly by its mandate if it was to ensure the continued trust and support of the Member States.

53. His delegation supported the High Commissioner's visit to Palestine in accordance with the Commission's resolution at its special session on the Question of Palestine. The regional preparatory meetings for the Durban Conference were complete and the drafting of the final document had entered a critical stage. In that connection, the High Commissioner should step up her exchanges with Member States to ensure that the Conference would reflect a plurality of views.

54. His Government had always held the view that the protection and promotion of human rights should be realized through international cooperation on the basis of equality and mutual respect. A memorandum of understanding on technical cooperation in the field of human rights had been signed with OHCHR on the occasion of the High Commissioner's visit to China in November 2000. The first cooperation project thereunder - a workshop on the punishment of minor crimes - had been successfully held in Beijing in February 2001. His Government was committed to continued cooperation with OHCHR.

55. Mr. LITTMAN (World Union for Progressive Judaism) said that the report of the High Commissioner on the question of the violation of human rights in the Occupied Arab Territories, including Palestine (E/CN.4/2001/114) referred in paragraph 24 to the problem of hate speech and incitement, including the "numerous examples" which had been cited to the High Commissioner during her visit, with evidence being "clearly visible on the walls of Palestinian houses" (para. 24). The report also stated that the High Commissioner had been "shocked by calls broadcast on Palestinian television and radio urging the killing of all Jews".

56. The grave problem of "hate speech" had also surfaced in the Palais des Nations during the annual Special Meeting of the International Day of Solidarity with the Palestinian People. The Observer for Palestine had delivered his usual tirade to the effect that a group of criminal gangs from various areas of the world had come to Palestine to set up a State and that the State in question had, since 1948, continued to commit crimes before the eyes of the world. Such a racist remark would encompass not only the Jewish survivors of the Holocaust in Europe, but also a million Jewish refugees fleeing pogroms and persecution and fearing for their future in Arab countries and Iran. Some 350,000 had found refuge in Europe and the Americas, with 650,000 returning "by right and not on sufferance" to their ancestral homeland, as recognized by the League of Nations and, subsequently, by the United Nations.

57. Unchecked, the Observer for Palestine had proceeded to indulge in more abject calumny reminiscent of former blood libels and anti-Jewish hatred. He had even claimed that Israel had attempted to assassinate the High Commissioner. If there was no truth in such an allegation, he wondered why it had not been opposed and the speaker called to order, as would have been done automatically regarding similar mendacity targeting another State, particularly by an Observer.

58. He called upon the High Commissioner to inform the Commission directly whether that libellous accusation had been substantiated by the official inquiry and, if not, what was being done to wipe out the stain on the Organization's reputation of having allowed a crude falsehood to remain unchallenged for nearly four months. The High Commissioner should either confirm the allegation if indeed there was proof, or correct such ignominious "hate speech and incitement" which deliberately targeted a specific group (the Jews), as well as a Member State of the United Nations (Israel).

The meeting rose at 4.40 p.m.

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COMMISSION ON HUMAN RIGHTS

Fifty-seventh session

SUMMARY RECORD OF THE 4th MEETING

Held at the Palais des Nations, Geneva,
on Wednesday, 21 March 2001, at 10 a.m.

Chairperson: Mr. DESPOUY (Argentina)

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REPORT OF THE UNITED NATIONS HIGH COMMISSIONER FOR HUMAN RIGHTS AND FOLLOW-UP TO THE WORLD CONFERENCE ON HUMAN RIGHTS

The meeting was called to order at 10.10 a.m.

STATEMENT BY THE DEPUTY MINISTER FOR FOREIGN AFFAIRS OF THE RUSSIAN FEDERATION

1. Mr. ORDZHONIKIDZE (Deputy Minister for Foreign Affairs, Russian Federation), recalling the atmosphere of cooperation that had prevailed during the Millennium Summit last autumn and the agreements reached on that occasion, said that that atmosphere should also prevail at the present session of the Commission on Human Rights.

2. The principle of the universality of human rights must be based on respect for the sovereignty of States. Dialogue on that aspect of human rights must be free from double standards and political considerations. Decisions should reflect the needs and aspirations of individuals, not political ambitions and ideological precepts. It was vital for United Nations bodies and regional organizations dealing with human rights to complement one another in their work in order to avoid duplication of efforts and rivalry. The Russian Federation would be guided by those principles at the Commission's fifty-seventh session.

3. The Russian Federation was a co-sponsor of the peace process in the Middle East but the process was now at a dead end. It was essential to resume negotiations and above all to lift the economic blockade of Palestinian territories, where the situation had deteriorated drastically. The Commission's resolutions on the Middle East should serve as the starting point for reaching a sustainable political settlement.

4. The Balkans were once again the focus of international attention, with the deterioration of the situation in Macedonia, continuing crimes against Serbs and representatives of other non-Albanian communities in Kosovo and the spillover of violence into Serbia. Those events clearly showed that NATO's operations against the Federal Republic of Yugoslavia in 1999 had not solved a single problem. Quite the contrary, they had led the extremists to believe that they could violate human rights with impunity and thereby manipulate public opinion. The situation demonstrated that "humanitarian intervention", when not approved by the Security Council, ran counter to the objective pursued, namely to strengthen human rights and protect national minorities. The international community needed to take decisive action to prevent a new conflict in the Balkans, and the Commission's decisions should further that end.

5. The Commission should also not ignore the threat represented by the Taliban, as exemplified by the barbaric destruction of centuries-old monuments of civilization.

6. The Russian Federation attached great importance to the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, which should take up a number of problems that were facing most countries, including those in Europe.

7. The Commission must continue to seek appropriate responses to challenges such as terrorism and aggressive nationalism. It must continue to consider the human rights dimension of such issues as globalization, information technologies, genetic engineering and managing migration flows.

8. The promotion of democracy in Russia was now an irreversible process. The elections in 2000, the establishment of human rights mechanisms, the creation of an independent judiciary, a dynamic civil society and free media bore witness to that fact.

9. As to Chechnya, in contrast to the totally unobjective picture of the situation painted by various international human rights bodies, his delegation reaffirmed the appraisal it had given the Commission the previous year. Acting in conformity with the law, the Russian Federation had countered the activities of terrorists, whose organizational structure had been destroyed and formations dispersed. Local administrative bodies had been re-established in the majority of regions. The former Mufti of Chechnya, Mr. Kadyrov, who had addressed the Commission in 2000, had been appointed head of the Chechnya administration. Local elections were in the preparatory stage. There had also been improvements in the social and economic spheres. Facilities and infrastructure were being restored and the population had begun to receive pensions and aid. The legal system was being re-established. The office of the Special Representative of the President on Human Rights and Freedoms in the Chechen Republic, Mr. Kalamanov, was continuing its work. In view of the relative stability of the situation, the President of the Russian Federation, Mr. V. Putin, had decided to reduce the size of the military in Chechnya. It all proved that the crisis was being resolved in the proper manner, namely through political means. At the same time, the Russian Federation would continue to fight the remaining terrorists that did not wish to surrender. Unfortunately, the recent hijacking of an aeroplane in Turkey demonstrated that certain forces were still interested in undermining the peace process.

10. The Russian Federation was often reproached for failing to investigate crimes committed by members of the military. Mr. Putin had stated that all those responsible for human rights violations would be brought to justice, but investigations required time and resources, both human and material. Russia had never refused to cooperate with the international community. International humanitarian organizations as well as representatives of the International Committee of the Red Cross were present and working in the region. The OSCE (Organization for Security and Cooperation in Europe) Assistance Group to Chechnya had been invited to return to Chechnya. Representatives of the Council of Europe were working in the office of Mr. Kalamanov on a permanent basis. The Commissioner for Human Rights of the Council of Europe, Mr. Gil-Robles, had recently visited the region.

11. Lastly, the search for common ground and the adoption of constructive decisions should take priority within the Commission; otherwise, true progress in the protection of human rights would prove impossible.

STATEMENT BY THE UNITED NATIONS HIGH COMMISSIONER FOR REFUGEES

12. Mr. LUBBERS (United Nations High Commissioner for Refugees) said that there was a correlation between human rights and refugees, the number of refugees serving as a barometer of how well human rights were respected throughout the world. The Commission on Human Rights and its mechanisms focused on identifying, exposing and pursuing remedies for human rights violations, while UNHCR concerned itself with the victims: refugees and displaced persons. UNHCR had a slightly different role with respect to displaced persons, since its

involvement required the consent of the Governments concerned. In that connection, he wished to acknowledge the contributions made by Mr. Francis Deng and Mr. McNamara as tireless advocates for displaced persons.

13. There was obviously a link between the issue of forced displacement and the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, to be held in September 2001. The drafters of the Convention relating to the Status of Refugees had made racial persecution a primary cause for the granting of refugee status. In the world of today, however, a single racial or ethnic identity was increasingly being seen as the defining characteristic of nationality, and that amounted to a rejection of diversity. In a rapidly globalizing world, that phenomenon was deeply disturbing. It became even more disturbing when it was the Government itself which, far from mediating racial or ethnic tensions in a given society, encouraged discrimination that even went as far as ethnic cleansing, resulting in the displacement of masses of people.

14. For a decade now, UNHCR had been grappling with such a situation in the Balkans, one which threatened to re-emerge in Macedonia, from the Great Lakes region of Africa to Indonesia. Tensions among ethnic communities were a leading cause of forcible human displacement today. It was the international community, and particularly the Commission and other human rights bodies, that must draw attention to problems before they spiralled out of control. National institutions and other elements of civil society also had a major role, namely prevention, in that area.

15. UNHCR entered the scene only after displacements had already occurred, in other words, to assist refugees. Refugees often faced an uncertain welcome, and the presence of large refugee populations could weigh heavily on communities, testing the limits of human solidarity. The resulting pressures created fertile ground for racism, xenophobia and intolerance. In many parts of the world, faced with the difficulty of distinguishing between migrants seeking better living conditions and asylum-seekers who stood in need of protection, Governments had created a daunting array of obstacles aimed at preventing migrants from reaching their territories. As a consequence, asylum-seekers were resorting to unscrupulous criminal traffickers, becoming victims yet again. The world had to choose between the rule of law and the law of the jungle. UNHCR could help Governments to build equitable structures for the granting of asylum. The task was all the more urgent in that some politicians were exploiting the confusion between refugees and economic migrants, stereotyping both as a social threat. Irresponsible media often joined in the chorus. Governments must do everything possible to de-dramatize those essentially humanitarian issues. The right to seek asylum in other countries, as set out in the Universal Declaration of Human Rights, should be accepted widely as one of the hallmarks of a just world. Human rights institutions could ensure that tough sanctions were applied against those who incited to racial hatred, intolerance and xenophobia. Within countries, efforts should be made in information and education. For example, UNHCR had participated in the European Union's integration programme aimed at promoting tolerance towards foreigners. In South Africa, it was contributing to the "Roll Back Xenophobia" campaign launched by the South African Human Rights Commission and the National Consortium on Refugee Affairs.

16. UNHCR had adopted the theme of respect to mark its fiftieth anniversary: respect for the dignity of refugees as human beings, for their contributions to the communities in which they

lived. Respect went far beyond mere tolerance. It meant an appreciation of refugees as individuals who must be empowered to begin a new life. When the solution for refugees consisted of voluntary repatriation, it was important to ensure that the country concerned could offer them real protection. In some situations, such as East Timor and Kosovo, basic institutions capable of providing such protection must be created. That involved creating a framework of laws, an independent judiciary and a police force that reflected the ethnic composition of the community it served. Rebuilding trust among people and between people and their Government took time. UNHCR's limited mandate required it to leave the scene before true reconciliation could occur. The work of human rights bodies must, accordingly, continue long after UNHCR's involvement had ended.

17. The 1951 Convention relating to the Status of Refugees was the very foundation of refugee protection. The Convention and the Protocol manifested the collective commitment of States to safeguarding the rights of a special group of people that no Government or institution protected. The Convention's fiftieth anniversary was a time to reflect on what needed to be done to ensure the relevance of the refugee protection regime for the next 50 years. To that end, UNHCR had launched the Global Consultations on International Protection which had been opened in Geneva. The Global Consultations were aimed at greater consistency in the interpretation of the Convention and new approaches for closing the gaps in the current protection system. The Convention was in essence a human rights instrument. As such, it fell within the Commission's field of competence. That was why he looked to the Commission to strongly support that fundamental instrument on the occasion of its fiftieth anniversary.

STATEMENT BY THE STATE SECRETARY OF THE MINISTRY OF FOREIGN AFFAIRS OF THE REPUBLIC OF SLOVENIA

18. Mr. GOLUB (Slovenia) said his country associated itself with the statement made on behalf of the European Union by Ms. Lindh, Minister for Foreign Affairs of Sweden.

19. The adoption of the Universal Declaration on Human Rights and of other international instruments on human rights had marked a watershed in human history. There were now internationally recognized limits to human suffering and denigration of the rights of the individual. The Commission was the principal institution for the defence of those rights and the global process of democratisation. It was not enough simply to pay lip service to such causes. Victims of violations had found the best and most fearless advocate in the person of Ms. Robinson, the United Nations High Commissioner for Human Rights. Slovenia strongly supported her work and deeply regretted that she had decided not to seek re-election.

20. Slovenia strongly supported all efforts aimed at strengthening the universality, indivisibility and interdependence of human rights. It also believed that the full enjoyment of human rights was possible only with good governance and that everything should be done to enhance the freedom of the individual and broaden the scope of democracy.

21. In that spirit, Slovenia had signed the Optional Protocol to the Convention on the Elimination of Discrimination against Women and was considering the applicability of article 14 of the International Convention on the Elimination of All Forms of Racial Discrimination. It

also strongly supported the efforts to draft an Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

22. Slovenia supported the intensification of a constructive dialogue on strengthening the effectiveness of the existing system for the defence of human rights. It was essential to prevent gross and flagrant human rights violations under the guise of State sovereignty. No State should be able to violate the human rights of its own citizens. The option of intervention in the internal affairs of States as a way of cutting short massive violations of human rights was an important advance in that direction. Slovenia was eagerly awaiting the report of the International Commission on Intervention and State Sovereignty to be submitted to the General Assembly in the autumn.

23. Slovenia wished to contribute to the efforts being made to eradicate all forms of racial discrimination and would join in the work of the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance.

24. At the regional level, his country was promoting the protection of ethnic minorities in the context of the Stability Pact for South Eastern Europe. It was sponsoring the Task Force on Human Rights and Minorities and was currently co-chairing the Working Table on Human Rights and Democratisation. It recognized that, without systematic protection of the needs, interests and rights of minorities, there could be no long-term stability or democratic progress in the region. That was why, a month ago, Slovenia had hosted the International Conference on Democracy, Human Rights and the Protection of Persons Belonging to Ethnic and Religious Minorities in South Eastern Europe. The Conference had called for the creation of democratic systems of minority protection in the countries of the region and for respect for political, religious, cultural and ethnic plurality at all levels of society.

25. Slovenia was particularly concerned at the deterioration of inter-ethnic relations in the Republic of Macedonia. It rejected the violent acts of ethnic intolerance which endangered inter-community relations in that country. Disrespect for the sovereignty and territorial integrity of Macedonia would endanger peace and stability throughout the region.

26. Migrants and refugees were particularly vulnerable to discrimination. The international community should assist the transit and destination countries of migrants and asylum-seekers, such as Slovenia, in ensuring respect for their fundamental rights.

27. The rights of the child should be a priority for the international community and Slovenia, which would contribute to the Special Session of the General Assembly on Children, strongly condemned the recruitment of children for military service. That was why it had signed the Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflicts. The Slovenian Ministry of Foreign Affairs was acting in close collaboration with Slovenian Philanthropy, a non-governmental organization that was conducting a series of seminars on the treatment and rehabilitation of children affected by the conflicts in Kosovo.

28. Lastly, he wished to emphasize the work done by the International Trust Fund for Demining and Mine Victims Assistance with the victims of mines in Bosnia and Herzegovina. The Fund operated with the generous support of the United States, the European Union and a number of other countries.

STATEMENT BY THE DEPUTY MINISTER FOR FOREIGN AFFAIRS OF ISRAEL

29. Mr. MELCHIOR (Israel) said that he had entered the world of politics two years previously, having left his position as Chief Rabbi in Norway in order to try to prove to Israeli society that there was no contradiction between religion and peace, or between religion and the fight for human rights and human dignity. In Israel, ethnic and cultural diversity was a source of strength rather than of division and strife. He saw his duties as a member of the Israeli Government as a chance to forge new relations between Jews and Arabs and to help strengthen links between representatives of the three great monotheistic religions. He emphasized the significant role that civil society and Israeli NGOs played in the field of human rights.

30. Drawing on the experience of its past, the State of Israel remained fully committed to safeguarding human rights. Accordingly, it had recently taken active steps to establish a national commission for human rights. The Israeli Supreme Court also played a central role in enhancing the rule of law and individual rights.

31. Israel deplored the developments that had taken place since the Commission's previous session, in spite of the compromises it had proposed at the Camp David summit in July 2000, which had been applauded by the international community but rejected by the Palestinian Authority. Having responded with attacks against the Israeli civilian population, in breach of the Oslo Process, which was based on a commitment by both sides to solve disputes through negotiation and never to resort to violence, the Palestinian Authority had forced Israel to resort to military means. The Israeli Government was not indifferent to the suffering of the Palestinian population and wished to assure the Commission that peace talks would be resumed as soon as the Palestinians halted the violence. If the Palestinian Authority was attempting to turn the conflict into a religious conflict, then that was a dangerous strategy. Similarly, if it justified the conflict by rejecting the right of the Jewish people to self-determination, no compromise was possible. If, however, its aim was to obtain the freedom of the Palestinian people in their own State, that aim could have been achieved, and might still be achieved, through negotiation.

32. It was to be regretted that several items on the Commission's agenda were directed against Israel, amongst them the point concerning the human rights situation in southern Lebanon and western Bekaa. The fact that, in implementation of Security Council resolution 425 (1978), Israel had withdrawn from that area had apparently gone unnoticed by the Commission. Israel urged members of the Commission to reconsider extremist resolutions that led nowhere, and instead to adopt a balanced approach conducive to a resumption of negotiations.

33. The Israeli Government attached high priority to initiatives against racism and discrimination. It considered that a determination to avoid extremism must be central to the concerns of the World Conference against Racism, Racial Discrimination, Xenophobia and

Related Intolerance, scheduled for September 2001. In that regard, his Government also appealed to the international community to refrain from politicizing the conference and from turning it into a platform for the political exclusion of Israel.

34. In conclusion, he expressed the hope that good sense would prevail, thereby sparing Israeli and Palestinian parents from the misfortune of seeing their children killed or permanently maimed. That was what had happened recently to three of his own cousins, who had lost their legs in a terrorist attack on the bus that was taking them to school.

STATEMENT BY THE PARLIAMENTARY SECRETARY FOR FOREIGN AFFAIRS OF JAPAN

35. Ms. MARUYA (Japan) said that the end of the cold war had brought with it tremendous hopes, but it had soon been realized that another scourge was about to emerge, with the proliferation of regional conflicts, brought on mainly by ethnic and religious confrontations. The international community was faced with new problems, such as those of refugees and internally displaced persons, as well as various forms of violations of fundamental rights. Since the end of the Second World War, the international community had made tireless efforts to protect and promote human rights, efforts that had resulted in the adoption of the Vienna Declaration and Programme of Action. The international community now had a common duty to ensure respect for the full range of standards adopted in that field.

36. The primary responsibility for protecting human rights fell to each State. For their part, United Nations human rights forums must continue to provide assistance. While the universality of human rights was not disputed, every country had its own approach to the issue, reflecting its history, culture, traditions and economic and political system. Experience had shown that the best response to human rights violations was a pragmatic approach, rather than a dogmatic attitude that took no account of a country's particular circumstances. Nevertheless, economic, historical or cultural reasons should never be used to justify failure to protect human rights.

37. In that regard, Japan recommended a threefold approach: promotion of mutual understanding through dialogue on each country's specific situation; international cooperation with a view to enhancing human rights protection through effective and practical measures; and, if need be, resolute condemnation of violations. Such an approach, which would make it possible to solve problems without politicization, could be adopted in all United Nations human rights bodies, including the Commission. It was in countries' interest not to confront one another, but to advise one another with a view to enabling all individuals to exercise their fundamental rights and develop their potential to the full.

38. As a former developing country, Japan set great store by the right to development, and considered it an important duty of the Commission to examine how each individual could develop his or her potential to the full, for that was the most effective way of ensuring the development of the nation as a whole.

39. The convening of the World Conference against Racism, in South Africa in September 2001, would provide an opportunity to make significant progress in the field of human rights. While the task was a challenging one, Japan was convinced that the determination

of all countries would make it possible to put an end to that scourge. The Japanese Government, in cooperation with the United Nations Children's Fund (UNICEF), the international campaign End Child Prostitution in Asian Tourism (ECPAT) and the NGO Group for the Convention on the Rights of the Child, would convene the second World Congress against Commercial Sexual Exploitation of Children in Yokohama in December 2001. Child prostitution and child pornography posed a threat to the integrity of the international community, which must accord absolute priority to children's welfare and development. Japan looked forward to working with all countries to make the twenty-first century a century of human rights.

REPORT OF THE UNITED NATIONS HIGH COMMISSIONER FOR HUMAN RIGHTS AND FOLLOW-UP TO THE WORLD CONFERENCE ON HUMAN RIGHTS (agenda item 4) (continued) (E/CN.4/2001/6, 16, 114 and 133; E/CN.4/2001/NGO/27; E/CN.4/2000/12)

40. Ms. TAHIR-KHELI (United States of America) said it was a great honour to have been chosen by President George W. Bush to head the United States delegation to the Commission on Human Rights. The Bush Administration was fully committed to the cause of human rights and the principles on which the Commission was based. The President had recently reaffirmed his country's commitment to stand by those nations moving towards freedom. For his part, Secretary of State Colin Powell had declared that the Bush Administration's emphasis on human rights would not wane, and that it would always be mindful of the sanctity of the individual as opposed to the State.

41. The establishment of the Office of the United Nations High Commissioner for Human Rights was one of the most important steps that the international community had taken during the past decade. Credit was due to Mr. José Ayala Lasso, Mrs. Mary Robinson and Secretary-General Kofi Annan for bringing human rights into the mainstream of United Nations affairs. In that regard, her delegation regretted the fact that Mrs. Robinson, whose commitment and tireless courage it applauded, had decided not to seek a second term. Mrs. Robinson had helped to bolster the effectiveness of United Nations activities to promote and protect human rights by strengthening the administrative capacity of the Office of the High Commissioner, particularly in its field operations.

42. In February 2001 Mrs. Robinson had visited the United States of America, where she had met with Secretary of State Colin Powell and National Security Adviser Condoleezza Rice. The discussions had covered the very important forthcoming World Conference against Racism, to which the High Commissioner had devoted a great deal of effort.

43. Her country also applauded the work of the High Commissioner's offices in Bogotá and elsewhere in Colombia in assisting the Colombian Government's efforts to strengthen its human rights policies and programmes. In the current year, it had contributed an additional US$ 1.75 million to support the High Commissioner's activities in Colombia.

44. The High Commissioner had visited Israel and the occupied territories in November 2000, and had published her report on 27 November. The United States of America was convinced that a solution to the problem of violence must come from Israelis and Palestinians alike, and that responsibility for the current state of affairs could not be laid at the door of just one of the parties. Her delegation believed that the High Commissioner could have

made that point much more clearly in her report. On the other hand, the High Commissioner was absolutely right to say that negotiation was the only path to peace and stability. The leaders of both sides must show the will to go back to the negotiating table. They must want to achieve peace; a solution could not be imposed upon them.

45. Her country remained deeply committed to achieving a just and lasting peace in the Middle East based on Security Council resolutions 242 (1967) and 338 (1973), and on the principle of "land for peace". The violence must end, and the Palestinians must be able to resume their normal economic activity. For their part, members of the Commission must do their utmost to encourage a return to peace in the region.

46. Her delegation saw the current session of the Commission and the forthcoming World Conference against Racism as opportunities to advance the cause of human freedom.

47. Mr. FERRER RODRIGUEZ (Cuba) drew the Commission's attention to document E/CN.4/2001/6, which referred to various trends to which a significant number of delegations, including his own, had drawn attention on several occasions. In those delegations' view, more meetings of rapporteurs and special representatives should be open to participation by States, so as to create a climate of confidence that would enhance cooperation with States. Furthermore, the trend towards continuous interaction between holders of those mandates and the Secretariat inevitably led to an undesirable politicization of human rights issues. The Secretariat and the Commission must ensure that the decisions taken at the fifty-sixth session were respected. The rapporteurs and special representatives must forward copies of their reports to the Governments concerned and publish those Governments' comments and replies. Again, it was totally unacceptable to make technical cooperation assistance conditional on cooperation with the special mechanisms. Lastly, the idea that intergovernmental bodies must integrate the question of human rights into their activities was acceptable only if, in parallel, those bodies were willing to integrate the right to development in their own activities. Cuba therefore wished to reiterate its proposal for the creation, within the Office of the High Commissioner, of a division devoted exclusively to the promotion and protection of the right to development.

48. With regard to the staffing of the Office of the High Commissioner, Cuba wished to reaffirm the need for equitable geographical representation, so as to ensure that all political, economic, social and legal systems, and all cultural and religious particularities, were duly represented therein. Cuba also stressed the importance of the principle of neutrality. In that connection, it was regrettable that the Secretariat sometimes interfered in the work of the treaty bodies and of the rapporteurs, for example, by taking it upon itself to address communications to States without first informing the relevant mechanisms. Lastly, his delegation called upon donors to refrain from providing contributions that were contingent on certain conditions, a practice that led to enormous discrepancies between the resources allocated to the Office's various procedures and activities.

49. All that being said, Cuba recognized the role of the Office of the High Commissioner in strengthening international cooperation in the field of human rights, and reaffirmed its support for its activities.

50. Mr. ATTAR (Saudi Arabia) said that Saudi Arabia was determined to enhance the protection of human rights and to cooperate with the competent international bodies in pursuit of that goal. The fact that it had ratified various international treaties and contributed to several funds was evidence of its attachment to the cause of human rights.

51. Saudi Arabia wished to express its gratitude to the High Commissioner for Human Rights for the efforts she was making to further that cause. It had taken note of the report submitted by Mrs. Robinson to the fifty-fifth session of the General Assembly and was grateful for the recommendations it contained with a view to curtailing flagrant violations of those rights.

52. The Saudi Arabian Government also wished to thank the High Commissioner for her report on her visit to the occupied Palestinian territories. The Commission should do its utmost to ensure that the proposals made by the High Commissioner following her mission to Palestine were followed up, and to secure an end to the tragedy of the Palestinian people.

53. Mr. NUSHIRWAN (Malaysia), speaking on behalf of the Like-minded Group of Countries, namely Algeria, Bangladesh, Bhutan, Cuba, China, Egypt, India, Indonesia, Islamic Republic of Iran, Myanmar, Nepal, Pakistan, the Philippines, Sri Lanka, the Sudan and Viet Nam, said that since the establishment of the Office of the High Commissioner for Human Rights eight years previously, human rights had assumed a higher profile in international affairs. Almost all States now recognized that realization of human rights for all required cooperation and a collective effort and that human rights could no longer be seen as the monopoly of a few States.

54. The countries on whose behalf he was speaking believed that open and frank consultations among States on the work of the Office of the High Commissioner, conducted in a spirit of cooperation and mutual respect, was bound to help attain common objectives. Accordingly, States should refrain from attempts to impose on the Office of the High Commissioner an approach that did not reflect the diversity of standpoints.

55. The Like-minded Group of Countries believed that the Office of the High Commissioner could best fulfil its task by remaining true to the mandate conferred on it by General Assembly resolution 48/141, and that any departure from that mandate would be detrimental to its credibility. In that regard, the Like-minded Group wished to make four comments, which it hoped would be given due consideration. First, they believed that greater efforts should be made to rectify imbalances between the financial and human resources allocated to economic, social and cultural rights, including the right to development, on the one hand, and to civil and political rights on the other. Second, if it wished to continue to enjoy the support of all States, the Office of the High Commissioner must ensure that its policies, particularly with regard to recruitment, reflected more fully the diversity of social, political and legal traditions among States Members of the United Nations. Third, the Office of the High Commissioner must find ways of making the best use of the human rights expertise available in the regions where activities were undertaken. Such an effort would enable account to be taken of the particularities of the society

in question, and would assist in building national capacity. Fourth, the technical cooperation and advisory services provided at the request of Governments were the most effective means of promoting and protecting human rights. That approach made it possible to avoid politicization and confrontation. It also provided evidence of the will of the States concerned to address their own human rights concerns. With regard to the Annual Appeal 2001 launched by the Office of the High Commissioner in November 2000, an initiative that was to be commended, Malaysia and the Like-minded Group of Countries were concerned at the practice of earmarking contributions for specific programmes, a practice that influenced the determination of the Office's priorities and could result in human rights not being treated in a fair and equitable manner.

56. The previous year, those same countries had drafted a resolution entitled "Strengthening of the Office of the United Nations High Commissioner for Human Rights", motivated partly by the desire to engage partners in a dialogue about the work of the Office of the High Commissioner. In the light of its desire to rationalize the work of the Commission, those countries had decided that henceforth they would table such a resolution only once every two years. However, they remained willing to discuss that issue with other interested parties.

57. In conclusion, the Like-minded Group of Countries thanked Mrs. Mary Robinson for her efforts in her capacity as High Commissioner for Human Rights, particularly in the field of economic, social and cultural rights. They wished her every success in her future endeavours.

58. Ms. AL-HAJJAJI (Libyan Arab Jamahiriya) thanked the African Group for nominating her as Vice-Chairperson of the Commission at its fifty-seventh session. As the Chairperson had pointed out, at least half the members of the Bureau were women, something that was indicative of the increasing role now being played by women, in the developing as well as the developed countries.

59. Libya was mindful of the difficult circumstances in which the Special Rapporteurs had to work. In its appeal for the year 2001, the Office of the High Commissioner for Human Rights had also mentioned the shortfall in the human and financial resources at its disposal. However, those difficulties did not entirely account for the fact that the Special Rapporteurs mentioned in paragraph 6 (d) of the resolution adopted by the Commission at its fifth special session (resolution S-5/1) had not immediately carried out missions to the occupied Palestinian territories, as they had been asked to do. On 2 January 2001, the Permanent Mission of Israel in Geneva, in reply to the request of the Special Rapporteur on religious intolerance for a visa to visit the occupied territories, had stated that the Government of Israel did not intend to implement that resolution. Moreover, the Chairperson of the Working Group on Enforced or Involuntary Disappearances had decided on his own initiative, and on not very convincing grounds, not to visit the occupied territories. On 20 February 2001 the Special Rapporteur on violence against women had asked the Ambassador of Palestine and the Ambassador of Israel for an interview to discuss matters arising from her mandate. She was still waiting for a reply. That Israel, the occupying power, was refusing to cooperate with the Commission would not surprise anyone, since it had always snubbed resolutions by international bodies. On the other hand, one could hardly fail to be concerned at the lack of urgency on the part of the special mechanisms and procedures set up by the Commission itself in visiting the occupied territories in accordance with the resolution in question.

60. In that connection it should be pointed out that according to paragraph 26 of the annex to Commission decision 2000/109, entitled "Enhancing the effectiveness of the mechanisms of the Commission on Human Rights", the human rights machinery of the United Nations human rights mechanisms was particularly tested when there were allegations of an urgent situation of serious violations requiring immediate attention in any part of the world. It was also stated that the thematic or country-specific rapporteurs should be permitted to visit the spot immediately.

61. Were the Commission's mechanisms unaware that people were being killed every day, and many others injured, in the occupied territories? Had they studied the report drawn up by the High Commissioner following the mission which she had carried out to Palestine, in great haste and at risk to her life? Were they unaware of the facts recorded in reports by trustworthy organizations such as the ICRC? All those questions called for an answer.

62. Ms. KUNADI (India) paid tribute to Mrs. Robinson, the High Commissioner for Human Rights, for her tireless commitment to the cause of human rights. She particularly welcomed the guiding role played by the High Commissioner in preparations for the World Conference Against Racism.

63. Referring to paragraph 10 of the High Commissioner's report (E/CN.4/2001/16), she observed that there was no viable substitute for sovereign nation States, and that to weaken or diminish States would only pave the way to anarchy. It was therefore incumbent upon the international community to discourage forces that sought to undermine multi-religious and multi-ethnic States or promoted discrimination against minorities. In that context, she welcomed the High Commissioner's reference in her opening statement to acts of violence perpetrated by non-State actors which resulted in gross violations of human rights. India attached great importance to that aspect.

64. Her Government welcomed the mention in the High Commissioner's report of the question of racial discrimination against migrants. National policies towards migrants should not be motivated by racist considerations. Migrants must receive just and equitable treatment in society and in the workplace.

65. The situation of refugees was worrying. States must undertake to reinforce protection for refugees and asylum-seekers in general, and refrain from classifying certain countries as "safe". Attacks by extremist groups against refugees were matters of extreme concern.

66. Care should be taken to prevent the spread of racist ideas through the mass media and information technologies such as the Internet. The right to freedom of speech and expression must not be used to impede strategies designed to check racial bias.

67. Moreover, because poverty and economic disparities between various parts of the world contributed significantly to the persistence of racist attitudes, steps should be taken to ensure that globalization did not exacerbate those disparities.

68. She endorsed the High Commissioner's appeal to pay due attention to the gender dimension of racial discrimination. Racial prejudice among young people and children should be combated through education, culture and information. Certainly, stringent laws were needed to combat racism, but what was needed most was a change in attitudes. In that respect, she welcomed the appointment of Goodwill Ambassadors to promote awareness of racism in the context of the World Conference.

69. The Government of India fully supported the High Commissioner in her role as Secretary-General of the Conference. It hoped she would continue to work for human rights when her term of office was over, and wished her every success.

70. Mr. AKRAM (Pakistan), speaking on behalf of the Organization of the Islamic Conference (OIC), said the OIC, abiding by the principles of Islam, a religion of peace and tolerance, endorsed the High Commissioner's recommendation to adopt decisive measures to prevent gross violations of human rights, to integrate human rights in international peacekeeping and security measures, and to implement the right to development.

71. The High Commissioner had welcomed the growing interest in protecting human rights in conflict situations. Unfortunately, the current situation in the occupied Palestinian territories and in occupied Jammu and Kashmir stood in stark contrast to such optimism. In that respect, the OIC was disappointed that the consistent violations of the human rights of Muslim people were never taken up by the High Commissioner's personal envoys to crisis regions. The OIC was also deeply concerned at the sinister campaign to portray Islam as a religion with lesser safeguards for women. Islamophobia was an unfortunate phenomenon and was becoming more widespread. For the members of the OIC, attacks on Islam and its values were a cause of concern which unfortunately was not reflected in the report of the High Commissioner on the work of the Commission's fifty-sixth session.

72. The OIC welcomed the High Commissioner's report on her visit to the occupied Palestinian territories (E/CN.4/2001/114) and deplored Israel's refusal to allow the High Commissioner to make her visit as part of her mandate under Commission resolution S-5/1. From the report, it was clear that the human rights situation on Palestinian territory was extremely grave, that Intifada was a spontaneous and popular uprising, that the Israeli defence forces were committing grave breaches of the 1949 Fourth Geneva Convention, and that Israeli settlers were living in closed areas protected by Israeli soldiers and using facilities denied to the Palestinian people. The report also showed that non-implementation by Israel of the relevant General Assembly resolutions, especially Security Council resolution 242 (1967) was the underlying cause of the present situation. To that must be added Israel's obduracy in relation to the final status negotiations, its avoidance of responsibility concerning the right of return of refugees, its settlement policy, its attempts to alter the demographic composition and historical demarcation of the Holy City of Al-Quds al-Sharif, and the claims it was making about the status of the Al-Aqsa Mosque.

73. The OIC considered the use of the term "violence" in the High Commissioner's report misleading, because it tended to equate the aggressor with the victims. Accusing the Palestinians of using the language of hatred and inciting hatred was to forget the daily suffering of people who had had to face a brutal occupation for over 50 years. The Palestinians had no choice but to

rely on their own strength and cohesion to uphold their fundamental rights. The OIC concurred with the High Commissioner's recommendations to establish an international monitoring presence, to withdraw Israeli military forces from their forward positions, to have a lower Israeli military profile in the occupied territories, and to implement fully international humanitarian law and the standards enshrined in the international human rights instruments. The OIC appreciated the High Commissioner's commitment to supporting the action taken by the Commission and its mechanisms in implementing resolution S-5/1. It would like to see a report on the implementation of the resolution.

74. Ms. ABOULNAGA (Observer for Egypt) said there had been unwarranted negligence by the human rights protection mechanisms in implementing the Commission's resolutions on the Palestinian territories. However, she was grateful to the High Commissioner for the frankness of her report on her visit to the territories and for the clarity and wealth of the information provided. The report should form the basis for the work of the Commission on Human Rights, on which the effective protection of the rights of the Palestinians depended. As the occupying power, Israel must accept sole and entire responsibility for the current extremely worrying situation on the ground. Efforts to place the responsibility on the people under occupation and to distort the facts were not acceptable. The Israeli aggression was quite indefensible, whatever the attempts made by Israel to woo support. If the recommendations made by the High Commissioner in November 2000, on the day following her visit to the Palestinian territories, were urgent, the situation was even more urgent now. She was thinking especially of the recommendations concerning international protection for the Palestinians, compensation for the victims and the application of the Convention relative to the Protection of Civilian Persons in Time of War.

75. Egypt called on Israel to bring its occupation and aggression to an end, to cooperate fully with the Commission's mechanisms and to implement the High Commissioner's recommendations and the resolutions arising from them. A peace not based on human rights would be no more than an illusion. Respect for those rights, and especially the rights of civilians in armed conflict, was crucial if a just and lasting settlement in the region was to be achieved.

Statements in exercise of the right of reply under agenda item 3

76. Ms. WILLIAMS (Observer for Cyprus) referred to the statement made at the previous meeting on behalf of the Organization of the Islamic Conference by the delegation of Pakistan, which had condemned "the isolation of the Turkish Cypriots". That isolation was merely the result of the illegal occupation of Cypriot territory by Turkey. The Secretary-General of the United Nations was now seeking, together with a number of distinguished persons, to settle the Cyprus problem.

77. Mr. GAZOGLU (Observer for Turkey), replying to Ms. Williams, said that there was no occupation in Cyprus, but a lawful presence based on international agreements, namely the Treaty of Guarantee of 1960.

78. Ms. WILLIAMS (Observer for Cyprus) said that she would reply to that statement at a later stage, under item 9 (a) of the agenda. For the moment, she urged delegations to join in the efforts of the Secretary-General for the reunification of the island.

79. Mr. SAMVELIAN (Observer for Armenia), replying to the statement made by the delegation of Pakistan on behalf of the Organization of the Islamic Conference, said there was no justification for the charge that Armenia had acted as the aggressor towards Azerbaijan. That accusation could not be supported by any document from the General Assembly or the Security Council.

80. Mr. MUSAYEV (Observer for Azerbaijan), replying to the representative of Armenia, said that respect for the territorial integrity of States was a principle not to be contravened by any State. Nonetheless, in 1999 the Armenian Parliament had adopted a resolution endorsing the annexation of Nagorny Karabakh, which was Azerbaijani territory.

Statements in exercise of the right of reply under agenda item 4

81. Mr. RAMBLAWI (Observer for Palestine) said that the rabbi, Michael Melchior, had summed up the whole of the Palestinian tragedy in one sentence when he had spoken of leaving Norway in order to settle in Israel. As for himself, he had been expelled from Jaffa where he was born, and did not have the right to return to the city of his birth.

82. Mr. Melchior had described Israel as a democratic country with a horror of racism. How could the Commission on Human Rights believe such a lie? Could a society based on murder and the dispossession of others be called democratic? Mr. Melchior's remarks would lead one to believe that Israel respected human rights. Could the Commission possibly be deceived on that score, after having condemned Israel year after year for its exactions in the occupied Arab territories? A country which recognized the right of some to return to a territory, while denying it to the people who came from there, was a racist country.

83. Mr. IBRAHIM (Observer for Lebanon), replying to the representative of Israel, said that Israel had not implemented Security Council resolution 425 (1978) of 16 March 1978 until 23 May 2000, and in spite of its withdrawal, border violations by Israel were taking place every day.

84. Mr. LEVY (Observer for Israel) said that some delegations had chosen to disregard the peace message addressed to them by Israel's Deputy Minister for Foreign Affairs. He attributed complete responsibility to the Palestinians for the violence which had broken out in the territories. He took the view that the violence had been planned and coincided with Arafat's rejection of the proposals made by Mr. Barak at Camp David. It was for the Palestinian authorities to make an immediate appeal for the violence to stop.

85. Some delegations had referred to the refugee question. Discussion of that issue was part of the ongoing negotiations. It had been on the agenda of the Camp David negotiations, and a compromise was on the point of being reached when the Palestinians had rejected all the proposals made to them. As for Lebanon, from which Israel had entirely withdrawn, it could only be advised to implement Security Council resolution 425 (1978) in full.

86. Mr. RAMBLAWI (Observer for Palestine) said it was surprising to hear that the Intifada had been planned long in advance. Everyone knew that the new Intifada had been caused by Sharon's visit to the site of the Al-Aqsa Mosque, and that Israeli forces had opened fire on Palestinians protesting against the violation of an Islamic holy place. The Palestinians had the right to resist Israeli occupation; it was a right guaranteed by United Nations resolutions. Israel was seeking to occupy Palestine by force, but Palestinian resistance would never waver.

87. Mr. IBRAHIM (Observer for Lebanon) said his country had no time for Israel's advice. On the other hand, bringing pressure to bear on Israel to implement United Nations resolutions was an absolute necessity. It was true that Israel had withdrawn from southern Lebanon, but it had left behind thousands of landmines which could not be located on any map.

The meeting rose at 1.15 p.m.

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Fifty-seventh session

SUMMARY RECORD OF THE 5th MEETING

Held at the Palais des Nations, Geneva,
on Wednesday, 21 March 2001, at 3 p.m.

Chairperson: Mr. DESPOUY (Argentina)

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STATEMENT BY THE MINISTER FOR FOREIGN AFFAIRS OF SOUTH AFRICA

1. Ms. DLAMINI-ZUMA (South Africa) said that no country was unaffected by human rights concerns. The non-observance of human rights impinged on the overall well-being of the human family and any violation of human dignity constituted an affront to humanity as a whole. The international community needed to act as the collective conscience of humanity when confronted with increasing incidents of human rights abuses and the growth of racism and racial discrimination. Acting without fear or favour, it should not be selective in registering deep concern whenever such abuses occurred.

2. In his autobiography, President Mandela had used the image of a long walk which had not yet ended. Indeed, the World Conference Against Racism, Racial Discrimination, Xenophobia and Related Intolerance, to be hosted by South Africa later in the current year, would provide an opportunity for stocktaking: for healing the wounds of the past and building a more positive common vision for the future. The international community would be able to take a rest from its own "long walk", survey the past and chart the future.

3. Racism, racial discrimination, xenophobia or a related intolerance tended to be at the root of any conflict, whether in Northern Ireland, the Balkans or the Sudan. It also lay behind genocide in Rwanda, apartheid in South Africa and problems in the Middle East. The challenge before the Conference was thus to provide a bridge between the past and the future: a past of deeply divided societies and experiences such as slavery, colonial exploitation and racism - and a future founded on human rights, democracy, and respect for the equality of human beings. The injustices of the past having been recognized, it should be possible to find universally acceptable ways of healing past divisions and of restoring the dignity of all. The North-South divide must be bridged by, inter alia, addressing disparities in wealth and development.

4. Change, like the process of giving birth, was usually uncomfortable, yet the outcome was always precious. Similarly, it might be painful to talk about past divisions at the World Conference, but the sacrifice would be worth while. It should prove possible to devise a programme of action capable of being implemented at the individual, national and international levels. The international community must build a world in which a Palestinian child and an Israeli child would enjoy equal access to food, shelter, health services, education and security; in which an Israeli mother would feel pain when a Palestinian child bled and a Palestinian mother feel the same pain when an Israeli child bled. In such a world, the Palestinians would have their own motherland and live in harmony with their Israeli neighbours. The realization of such a dream might not come easily, but the alternative was unthinkable.

5. It was vital also to work towards a future in which an African child was proud to be an African and did not aspire to be a European. In such a world, women would enjoy all freedoms and play a full role both in society and in the family, and Muslims, Catholics and Protestants would live as neighbours. In such a world also, it would be possible to land at any airport and be treated as a human being irrespective of colour, nationality, religion or gender. The creation of such a world would be the greatest contribution to human rights.

6. South Africa, for its part, was grappling with all the issues to be addressed by the Conference. From the human tragedy of apartheid, a nation united in its diversity was being constructed: a non-racial and non-sexist society. The country was confronting its past, but the struggle continued and the "walk" was not yet over.

7. Her delegation, which appreciated the sterling work done by the High Commissioner for Human Rights and regretted her decision not to seek a second term of office, was looking forward to continuing its constructive contribution to the Commission's important work.

STATEMENT BY THE DEPUTY PRIME MINISTER AND MINISTER FOR FOREIGN AFFAIRS OF BELGIUM

8. Mr. MICHEL (Belgium) said that, on the occasion of the International Day for the Elimination of Racial Discrimination, he wished to share his dream of a global alliance to combat racism. Belgium (a new member of the Commission) was committed to working proactively alongside its partners for the promotion of human rights. Its approach to international relations was inspired by human and democratic values.

9. While respecting the decision of the High Commissioner for Human Rights, his delegation regretted that she would not be seeking a second term. It would continue to support her until the end of her mandate. The task of human rights defenders, although heavy and often without reward, was a vital one. Given that words alone were insufficient, his Government had adopted new budgetary provisions to enable Belgium to reinforce its support for human rights at all levels and to provide much-needed assistance to the Office of the High Commissioner for Human Rights (OHCHR).

10. There were no rights without duties, and that was true of both States and individuals. The first duty was to respect human rights and to ensure that they were respected. The full exercise of human rights could be guaranteed only when the principles of equality and non-discrimination were observed. In that connection, he wished to underscore the particular importance of respect for the right to life and for the principle of non-discrimination on the basis of gender or race. Since 1997, the European Union had actively opposed capital punishment which should never be imposed on persons under the age of majority (at the time of the commission of the crime), on pregnant women, or on persons not in full possession of their mental capacities.

11. The principle of gender equality must be translated into the full and equal participation of women in political, economic, social and cultural life. His Government had enacted numerous legislative measures to that end and the principle had recently been incorporated into the country's Constitution. In that connection, his Government was particularly troubled by the situation of women whose rights were being seriously violated in many parts of the world. The restrictions imposed on women in Afghanistan were of particular concern.

12. The international community should unite against intolerance in all its forms: against racism, xenophobia, anti-Semitism, Islamophobia and the rejection of perceived or actual difference, all of which constituted threats to democracy, equality and human dignity, as well as to social cohesion and the right of all to participate in society.

13. The stakes at the forthcoming World Conference Against Racism, Racial Discrimination, Xenophobia and Related Intolerance were human dignity and world peace. The international community owed much to the experiences of the host country, South Africa, whose population had suffered greatly from racism and yet had had the courage to embark on an exemplary process of reconciliation.

14. It was important, indeed, to acknowledge the past fully, and that meant reconciling oneself to the least glorious aspects of one's own past. Only then could the foundations for new relationships be built in which there would be no more room for misunderstandings. New impetus must be given to development assistance, and the dialogue among civilizations must be strengthened. Access to education, employment, housing and health services were all too often undermined by discrimination. In that connection, cooperation with the media should be reinforced with a view to defining codes of conduct to combat racism.

15. The role of local communities required particular attention, but that in no way lessened the responsibility of States. Domestic law constituted a particularly effective bastion against racism. At the regional level, the Charter of Fundamental Rights of the European Union, recently signed at Nice, was most welcome, particularly since it envisaged a mechanism for monitoring all practices that threatened democracy in the Union, racism and xenophobia being two of them.

16. His delegation also wished to urge universal ratification of the international human rights instruments while underscoring the particular importance of article 14 of the Convention on the Elimination of All Forms of Racial Discrimination.

17. Good intentions did not always produce the desired results. The inflexibility of the European countries might lead to certain countries becoming isolated, with their peoples in the hands of totalitarian regimes. It was necessary to be patient with countries that had not yet had time to establish firmly a State based on the rule of law. A well devised human rights policy therefore required the adoption of a rigorous yet flexible approach.

18. Similarly, whereas Western countries were tending to limit the role of the State, they should not expect others to follow suit, since some States were still struggling to ensure that law and order were respected and to provide social protection and education for their populations. Indeed, when the West applied the principle of conditionality to development cooperation, it punished not the regimes but the populations. While structural cooperation with authoritarian States which enabled them to obtain resources that they might use arbitrarily must be refused, cooperation to help organize the administration, overhaul the courts and improve health and education facilities should not be submitted to the same inflexible conditions.

19. The second duty, in terms of a universal approach to human rights, was solidarity, for solidarity was the glue that bound individuals, societies and States together; it also linked the generations, ensuring that no one was marginalized. In that connection, he wished to stress the need to guarantee the rights of the child. There were still far too many child slaves, child

soldiers, abused children and children who lacked basic rights such as the right to life, food and education. His Government would do everything in its power to ensure the success of the forthcoming special session of the General Assembly on the follow-up to the World Summit for Children.

20. Solidarity was also an expression of the fundamental duty to cooperate. His Government attached the highest importance to ensuring that the right to development was properly implemented so that everyone was assured of food security and access to medication. That solidarity must be extended, first and foremost, to the most disadvantaged. He called on all delegations to make every effort to ensure that the forthcoming United Nations Conference on the Least Developed Countries achieved useful results and helped promote the right to development. The specific needs of the poorest countries should also be taken into account at the ministerial meeting of the World Trade Organization (WTO), since improved trade regulations would, by helping to promote peace and progress, also promote human rights.

21. Cooperation also meant allowing one's peers to look at what was happening within one's own borders. In that spirit, his Government would welcome visits or questions from any special rapporteurs or independent experts concerned about the human rights situation in Belgium.

22. Lastly, the universality of human rights was based not on ethnocentric arrogance or cultural imperialism but on the basic conviction that each human being reflected the whole of humanity. The cornerstone of civilization was the ability to accept and love one's neighbour, whatever his or her differences or origin.

STATEMENT BY THE ATTORNEY-GENERAL OF ZAMBIA

23. Mr. MUTALE (Zambia) said that it was generally recognized that the enjoyment of human rights strengthened a people's resolve to build solid democratic institutions and observe the rule of law whereas deprivation of human rights often led to armed conflict and behaviour that challenged the very essence of humanity and democracy. He was pleased to report, therefore, that most of the fundamental freedoms outlined in the six major human rights instruments elaborated by the United Nations and the African Charter on Human and Peoples' Rights were enshrined in the Constitution of Zambia.

24. However, his country's external debt burden continued to be a major concern because it was eroding the resources needed for social sector investment and hampering the achievement of sustainable development. He therefore reaffirmed his Government's plea for a total cancellation of Zambia's external debt.

25. His country's difficult situation was due to three interactive forces: the debilitating debt, the high prevalence of HIV/AIDS - 30 per cent of the adult population was HIV positive - and poverty, which affected some 70 per cent of the population. Nevertheless, his Government remained committed to reducing poverty, especially among such disadvantaged groups as the disabled, street children and the elderly. In addition to implementing the national poverty reduction action plan, it was preparing a poverty reduction strategy paper and was cooperating with the United Nations country team in developing the common country assessment, which

would provide an overview of the country's development situation using a human rights-based approach. It remained committed to that process, which would enhance the integration of United Nations activities in Zambia.

26. Another priority was the integration of human rights and the achievement of gender balance in all spheres. His Government sought to achieve the full participation of women in the development process at all levels. It had adopted a number of measures aimed at gender mainstreaming of laws, enforcement mechanisms and support systems. It had also participated in the regional conference of the Southern African Development Community (SADC) to assess the progress made in the implementation of the SADC addendum on the prevention and eradication of violence against women and children.

27. His Government was also determined to prioritize children's interests by investing in children and implementing a programme that addressed their needs. Government departments had been given specific mandates relating to the protection of children which were being implemented in collaboration with various donor agencies and non-governmental organizations (NGOs). In addition, as a State party to the Convention on the Rights of the Child, Zambia had prepared its initial report as required by that Convention.

28. He reaffirmed his Governments' commitment to the fight against racism, racial discrimination, xenophobia and all forms of intolerance and said that it was looking forward to participating in the forthcoming World Conference on the subject.

29. Recognizing that interface between the State and civil society was unavoidable, his Government had undertaken a national capacity-building programme for good governance, the main objective of which was to promote dialogue, transparency and accountability of public institutions. The Government recognized that the promotion and protection of human rights called for both the State and civil society to carry out their respective duties and, under the good governance programme, it had realized the importance of the role that civil society played in that regard.

30. The Government had the political will to realize all human rights standards at the domestic level, as clearly indicated by the programmes and legislation it had put in place.

STATEMENT BY THE ATTORNEY-GENERAL OF KENYA

31. Mr. WAKO (Kenya), speaking on behalf of the African Group, began by expressing its sincere regrets at the High Commissioner's decision not to seek a second term of office. The African Group was obliged to respect her decision, but would greatly miss the dedication, commitment and integrity which had characterized her work, and the courage and enthusiasm she had shown in tackling the difficult and challenging tasks of her office.

32. OHCHR and the Commission itself had a critical role to play in promoting a human rights ethic as one of the key shared values and aspirations of the global community. The work of the Commission and its various organs and institutions should therefore be depoliticized, and

its deliberations characterized by positive, constructive and effective dialogue with the aim of fulfilling human rights objectives. In that context, the African Group attached the utmost importance to the forthcoming World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance in South Africa.

33. It was regrettable that the scourge of racism had not only continued unabated but had evolved to include new and contemporary forms. In order to succeed, the World Conference needed to undertake a thorough review of the real causes of racism, as well as its historical forms and manifestations. It had to reach agreement on action-oriented, forward-looking solutions that would deal effectively with issues which had bedevilled mankind throughout history. It should also give priority to the plight of victims, with a view to enhancing their access to justice and to providing for a fair redress.

34. In their preparations for the World Conference, delegations should focus on substantive issues, and show flexibility by accommodating those important issues which were peculiar to and of special concern to different regions. The Durban Declaration and Programme of Action should not only reinforce long-established principles of international humanitarian and human rights law but must also reflect a strong collective commitment to implement specific measures to promote the principles of equality, non-discrimination and tolerance, to protect victims, and to diminish racism, racial discrimination, xenophobia and related intolerance.

35. The greatest human rights challenge the world faced was the eradication of extreme poverty. In Africa, it had claimed more lives than war. That was an unacceptable situation which the international community must address effectively. In that regard, the African Group welcomed the high-level intergovernmental event on financing for development, which it expected to address the stark inequities in international economic relations which had exacerbated poverty in many African countries. It was also vital that the international financial institutions consider and take into account the human rights implications of their policies.

36. The African Group considered that realization of the right to development would be a crucial step in promoting tolerance and equal opportunity for all human beings, and in addressing situations of extreme poverty. While the primary responsibility for development lay with the State, its multidimensional nature demanded the involvement and active role of the international community to create a dynamic and enabling environment conducive to the advancement of the developing countries, such as improved access to the markets of industrialized countries for goods from developing countries.

37. Although the right to development had been accepted by all as an inalienable human right, the working group on the right to development had not been able to achieve any concrete results over the past two years. The African Group appreciated the attempts of the group's Chairman to bring together all the relevant partners in an endeavour to develop a common framework and agree on a set of principles to put the right to development into effect. It fully agreed with his conclusions, and called upon the Commission to endorse them. The African Group urged the Commission to renew the mandates of the working group and the independent expert. The issue of the right to development should be treated with the urgency it deserved.

38. The African Group expressed its appreciation of the advisory services provided by OHCHR, particularly with regard to the setting up of national institutions. It called for enhanced capacity-building to strengthen implementation of the principles of human rights law at the grass-roots level, which was the greatest challenge faced by many African countries. At two regional meetings of African Ministers of Justice and Attorneys-General, the lack of institutional capacity had been identified as one of the greatest hindrances to the effective promotion and protection of human rights. There was clearly a need to increase the support given by OHCHR to the African countries in that area.

39. The situation of migrants was a key concern of the African Group. As a major source of migrants, Africa was concerned about violations of their human rights. They suffered discrimination on many fronts, including the granting of visas and work permits, gross underpayment, poor working conditions and long working hours. The African Group thus urged those States that had not yet done so to ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families.

40. It was deplorable that, in recent years, the world had witnessed an increase in the number of conflicts with resultant gross violations of human rights. The African Group strongly urged the international community to intensify its efforts towards conflict prevention and resolution, and to address the problem of increasing refugee flows. African countries had taken a number of regional peace initiatives, and must assume the responsibility of furthering the cause of human rights by taking a more active role in initiating and crafting resolutions on specific human rights situations in Africa. The African Group intended to initiate and submit draft texts for informal consultations as soon as possible.

41. It was the conviction of the African Group that each region should bear the primary responsibility for its own human rights situation. Such an approach would not only result in the depoliticizing of human rights but also facilitate constructive dialogue.

REPORT OF THE UNITED NATIONS HIGH COMMISSIONER FOR HUMAN RIGHTS AND FOLLOW-UP TO THE WORLD CONFERENCE ON HUMAN RIGHTS (agenda item 4) (continued) (E/CN.4/2001/6, 16, 114 and 133; E/CN.4/2001/NGO/27; E/CN.4/2000/12)

42. Mr. AL-ASKAR (Observer for Kuwait) thanked the High Commissioner for her report on her visit to the occupied Palestinian territories, Israel, Egypt and Jordan (E/CN.4/2001/114), which documented the serious acts of violations of human rights taking place in the occupied Palestinian territories.

43. His delegation looked forward to seeing the High Commissioner's conclusions and recommendations translated into concrete action, particularly with regard to the provision of international protection to the Palestinian people under Israeli occupation, the de jure applicability of the 1949 Geneva Convention relative to the Protection of Civilian Persons in Time of War (Fourth Geneva Convention) to the occupied Palestinian territories, the cessation of the construction of new settlements and the removal of those located in heavily populated Palestinian areas, and the request that the Israeli security forces protect Palestinians from violence perpetrated by Israeli settlers.

44. His Government believed that the only way to achieve permanent peace and stability in the area was through peaceful negotiations and compliance with international human rights standards and full implementation of international humanitarian law and the relevant human rights instruments. The international community should shoulder its responsibility in that regard.

45. Lastly, he expressed the deep regret of his delegation that the High Commissioner had decided not to stand for a second term of office.

46. Mr. AL-NAMA (Observer for Iraq) said that the human rights situation in the occupied Palestinian territories had taken a sharp turn for the worse since September 2000, with appalling violations of the human rights of the Palestinian population by the Zionist entity. The report of the High Commissioner (E/CN.4/2001/114) provided authentic testimony of what was happening. She expressed her profound concern at the serious loss of life, and at the gravity of the violations of human rights, with the killing and injuring of the civilian population, including women and children, expropriation of property and farmland, economic blockade and the use of excessive force by the occupying Power.

47. The crimes committed by the occupying Power amounted to genocide based on ethnic cleansing and expansion through colonization. Those who claimed to have been the victims of Nazis were currently committing the same, and indeed worse, crimes against the Palestinian people. The Zionist policy of seeking a peaceful settlement was merely intended to act as a smokescreen to mask the true intention of expropriating land by force and blackmailing the Palestinian population in order to extract concessions in exchange for unkept promises.

48. His Government called on the Commission to help find the necessary means to protect the Palestinian people against Israel's genocidal and racist practices. International forces must be sent to protect the Palestinian people, and Israeli officials and military must be brought to book and punished for their crimes against humanity.

49. Mr. RAMLAWI (Observer for Palestine) expressed his delegation's regret at the High Commissioner's decision not to seek a renewal of her mandate. Her report (E/CN.4/2001/114) displayed the height of objectivity and her conclusions and recommendations were exemplary, particularly her insistence on the need for conformity with the requirements of international human rights and humanitarian law. The recommendations contained in paragraph 96 of the report should be reflected in the resolution adopted by the Commission. He drew particular attention to the recommendations that compensation should be provided to the victims of the unlawful use of force and that all holy sites should be respected. The High Commissioner had proved most sensitive to Palestinian sensibilities and he paid tribute to the courage she had shown when her vehicle had come under fire.

50. Mr. MADI (Observer for Jordan), having joined the previous speakers in regretting the High Commissioner's decision not to serve a second term and expressing the hope that she would reconsider her position, said that his country had benefited from activities carried out by her Office, including the Regional Cooperation Framework for Asia and the Pacific and the joint project on human rights strengthening with the United Nations Development Programme (UNDP).

51. The High Commissioner had submitted a balanced and objective report on her visit to the occupied Palestinian territories, Israel, Egypt and Jordan (E/CN.4/2001/114). His delegation shared her concern about the deterioration of the human rights situation in the occupied territories and supported her conclusions and recommendations. All those listed in paragraph 96 should be implemented. His delegation also believed that a lasting peace could be achieved only through peaceful negotiations in conformity with the requirements of international human rights and humanitarian law. Durable peace could not be achieved without commitment, mutual respect and cooperation.

52. His delegation shared the view expressed in the High Commissioner's report submitted pursuant to General Assembly resolution 48/141 (E/CN.4/2001/16) that there should be no place for racism and racial discrimination in the modern world. For that reason, the forthcoming World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance was of the highest significance, since it gave the international community an opportunity not only to confront the past and shape the future but also to make a new commitment to respect for the equality of all members of the human family.

Statements in exercise of the right of reply

53. Mr. LEVI (Observer for Israel), having drawn attention to his Government's response (E/CN.4/2001/133) to the High Commissioner's report on her visit to the occupied Palestinian territories, Israel, Egypt and Jordan (E/CN.4/2001/114), said that, according to the Minister of Planning of the Palestinian Authority, the intifada would topple the Sharon Government within six months. He had boasted that, whereas Hezbollah in Lebanon had killed 20 to 25 Israeli soldiers a year for 20 years, the intifada had killed 74 Israelis in four months alone. If the Commission wished to ascertain the reasons for the riots and the casualties on both sides, it was unnecessary to send rapporteurs to the area, the statements of the Palestinian Authority leadership provided sufficient information.

54. His Government had no interest in imposing a solution nor did it wish to be dictated to. The way forward was not through one-sided resolutions passed by the Commission but through a call by the Palestinian Authority - in Arabic - to the Palestinian people and armed groups to stop the violence. That very afternoon, the Middle East Committee of the Council of Europe had toured the area and noted that 40 per cent of the wounds suffered by Israelis had been caused by shots fired by members of the Palestinian security forces.

55. The Israeli Minister for Foreign Affairs had stated that a change in the situation should be based on four principles: an end to the violence; a change in rhetoric from the language of confrontation, which led only to violence, to the language of peace; a return to the negotiating table, which was the only way of achieving a lasting settlement; and a move to ease living conditions in the territories. Those principles must be applied in a simultaneous, unconditional and uniform way.

56. Mr. RAMLAWI (Observer for Palestine) said that a representative of the Israeli Government was hardly the person to pontificate about an end to violence. Israel's original occupation of the Palestinian territories had been achieved through violence and ever since then that country's policy had been based on violence. The visit by the current Prime Minister to the

Al-Aqsa Mosque, protected by 3,000 soldiers, had in itself been an act of violence. Israeli forces had engaged in massacres, sometimes of whole villages. The military occupation, the use of tanks against civilians, bombing by aircraft, political assassinations and the creation of settlements showed that Israelis were past masters of violence, bearing no comparison with those who merely threw stones. Yet it appeared that the latter were those who were to be asked to stop the violence. The international community would lend little credence to such an appeal.

THE RIGHT OF PEOPLES TO SELF-DETERMINATION AND ITS APPLICATION TO PEOPLES UNDER COLONIAL OR ALIEN DOMINATION OR FOREIGN OCCUPATION (agenda item 5) (E/CN.4/2001/17-19; E/CN.4/2001/NGO/9, 10, 40, 117, 146, 163 and 174)

57. Mr. FAYSAL (Syrian Arab Republic) said that it was shocking that, in the twenty-first century, the right to self-determination still needed to be discussed, simply because there were those who did not wish to abide by reason and logic. Most peoples throughout the world had achieved self-determination, but others were still struggling for it. A prime example of the latter situation was Palestine. Israel and its supporters did not wish to recognize the Palestinians' right to self-determination and to establish their own State on their own soil. It might seem that a policy of genocide, murder, blockades, the establishment of settlements and the destruction of land could persuade the Palestinians to abandon their aspirations. History, however, showed that such policies always failed. The Palestinians would achieve self-determination in due course, in accordance with the two International Covenants of Human Rights and all the other human rights instruments. Only Israel and those who forgave Israel any sin it might commit were able to ignore the fact that the right to self-determination was an inalienable one. The international community must call unequivocally on Israel to accept the dictates of logic and justice, cease its murderous practices and allow the Palestinians their self-determination after 53 years of harassment.

ORGANIZATION OF THE WORK OF THE SESSION (agenda item 3) (continued)

58. Mr. GAZIOGLU (Observer for Turkey), speaking in exercise of the right of reply, said that the observer for Cyprus had misrepresented the situation when he implied that the ruthless embargo on the Turkish Cypriots had been imposed as a mark of displeasure by the international community. That was not so. The embargo had no relation to the Cyprus question but was merely a continuation of the harsh measures mercilessly inflicted by the Greek Cypriot Administration from 1963 onwards, long before the establishment of the Turkish Republic of North Cyprus.

The meeting rose at 5.35 p.m.

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Fifty-seventh session

SUMMARY RECORD OF THE 6th MEETING

Held at the Palais des Nations, Geneva,
on 22 March 2001, at 10 a.m.

Chairperson: Mr. DESPOUY (Argentina)

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The meeting was called to order at 10.10 a.m.

STATEMENT BY THE VICE-MINISTER FOR FOREIGN AFFAIRS OF THE CZECH REPUBLIC

1. Mr. PALOUŠ (Czech Republic) began by paying tribute to the High Commissioner for Human Rights and said his country respected but deeply regretted her decision to resign at the end of her term of office.

2. The Czech Republic was ready to play a constructive role in bringing into effect the principles enshrined in the Charter of the United Nations, especially universal respect for, and observance of, human rights and fundamental freedoms for all (Article 55). The only way to achieve that aim was to adopt a dynamic human rights policy and to institute dialogue on all human rights problems. Protection of human rights was primarily the responsibility of Governments. Although the collapse of the Czech Communist regime in 1989 had put an end to systematic human rights violations, not all problems had been solved, because of the challenges that had had to be met in the transformation of the political system and integration into Europe.

3. The Czech Republic admitted that the criticisms made of it by the international community and non-governmental organizations, especially with regard to protecting the rights of the Roma minority, were often justified. On the question of the Roma, progress had been made in bringing about their integration and emancipation, and communication between the Government and the Roma community had considerably improved. Both legislative and practical measures had been taken in education, employment, housing and migration. The establishment of community projects would enable the minority and majority groups to get to know one another better, to cooperate in defence of their common interests and to learn to trust one another. Those efforts should be supported by the international community. In that connection, the OSCE had helped the Czech Government to organize a workshop in Prague at the end of 2000 on the political participation of the Roma. The Czech Republic was determined to play an active role in the preparatory work for the World Conference against Racism, and in the Conference itself, which it hoped would yield some specific recommendations and results.

4. Cooperation with the human rights protection mechanisms was an obligation for Governments, and a necessary precondition in ensuring the effective operation of those mechanisms. At the end of 2000 the Czech Republic, to demonstrate its determination to cooperate with the mechanisms and to strengthen them, had sent a standing invitation to the High Commissioner for Human Rights and to all those exercising a mandate on behalf of the Commission. It urged all Member States to follow its example.

5. In the view of the Czech Republic, it was essential to condemn all violations of human rights wherever they occurred, not only for the sake of censuring their perpetrators, but also in an endeavour to establish dialogue, which was the only route to reconciliation in countries devastated by war or subject to totalitarian regimes. The diversity of the contemporary world inevitably led to differences of opinion. Respect for human rights called for toleration of those differences, but violations of the rights themselves could not be tolerated under any circumstances.

STATEMENT BY THE VICE-MINISTER FOR FOREIGN AFFAIRS OF LITHUANIA

6. Mr. JUSYS (Lithuania) said it was highly symbolic that the new millennium was beginning with the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance. The declaration and programme of action to be adopted at the Conference should be action-oriented and should set out concrete and measurable objectives which could readily be achieved at the national level. Lithuania, a country where people of 109 nationalities lived, had taken steps to secure the well-being of all groups in the population, including the national minorities. In 2000 it had ratified the Council of Europe's Framework Convention for the Protection of National Minorities and had prepared a programme for the social and cultural integration of the national minorities and another on the use and promotion of the national language. It had also paid special attention to vulnerable ethnic and national groups and, for that purpose, had adopted a programme for the integration of the Roma into Lithuanian society, while preserving their national identity.

7. Lithuania welcomed the fact that tolerance had been chosen as the main theme of the Commission's session. Human rights violations and conflicts were very often rooted in acts of discrimination and intolerance. Respect for the principles of non-discrimination and tolerance was indispensable for the functioning of democracy and for the stability and security of society. The importance of tolerance had become even more evident with globalization. Now that the General Assembly had proclaimed 2001 as the United Nations Year of Dialogue among Civilizations, Lithuania would be hosting, in April, an international conference on dialogue among civilizations. The participants would be discussing ways of pursuing dialogue to strengthen mutual understanding, tolerance, solidarity and cooperation among countries.

8. Lithuania welcomed the valuable work done by the international tribunals, especially the first convictions handed down by the International Criminal Tribunal for the former Yugoslavia. Recent events in the Balkans underlined the importance of finding ways to prevent the further escalation of violence. Lithuania was to assume the chairmanship of the Committee of Ministers of the Council of Europe in the autumn of 2001, and would be paying special attention to the Balkans.

9. Although ratification of the human rights treaties was essential, it must also be an occasion for countries to harmonize their laws to bring them into conformity with the provisions of the treaties. The recommendations of treaty monitoring bodies were very important in that respect. The length of the interval between the submission of the reports of States parties to the treaties and their consideration by the relevant bodies should be reduced because of the rapidly changing situations within countries. Lithuania took account of the observations by the treaty monitoring bodies in developing further its laws and institutions for the protection of human rights. For example, as part of its 2000-2004 programme of work, the Government was planning to draft laws and programmes to ensure equal opportunities for men and women, to prevent trafficking in human beings and to combat corruption. It had recently approved a national programme against sexual abuse of children and sexual violence against children. It had created an independent court system and established two posts of ombudsmen, one for equal opportunities as between men and women, and one for children. An Equal Opportunities Commission had also been established.

10. Non-governmental organizations and the media were two important parts of the machinery of human rights protection. The non-governmental organizations supplemented the work of governmental institutions. Matters of concern could be identified and solutions found by carrying out a variety of projects and surveys. It was clear that the adoption of legislation and the application of particular measures were not enough to protect human rights and foster tolerance and non-discrimination; awareness-raising and education were also needed in all sectors of society. The media also had a role to play in promoting the ideas of tolerance and mutual understanding among the various members of society.

STATEMENT BY THE MINISTER OF JUSTICE OF KAZAKHSTAN

11. Mr. ROGOV (Kazakhstan) said the 1991 Kazakhstan Independence Act gave priority to the rights and freedoms enshrined in the Universal Declaration of Human Rights and in the main international instruments. Since gaining its independence, Kazakhstan had implemented thoroughgoing political and economic reforms. The aim of the legislation was to strengthen the unity of Kazakh society, which was multi-ethnic, and to promote democracy and economic liberalism. All the fundamental rights and freedoms were written into the Constitution, including the right to life and the freedom of the individual, the right to private property, to health and to free primary education. Under the Constitution, the Kazakh people were free to choose their representatives to the various bodies, although the necessary conditions still had to be created to enable citizens to exercise that right. Kazakhstan had acceded to a wide range of international human rights instruments, and was now preparing fresh legislation, to include the appointment of a human rights ombudsman. It was also preparing to accede to the Statute of the International Criminal Court.

12. In 1998 the Government had undertaken to democratize society and political institutions, and to improve the electoral process at the national and local levels, the aim being to increase electoral turnout. Democratization had taken place in several stages: extending the powers of the representative bodies and reforming the Constitution so as to strengthen the role of Parliament and enhance the effectiveness of the legislative machinery; improving electoral law, the present system being based on pluralism and multi-partyism; and strengthening the independence of the court system so as to deprive the executive of control over the actions of judges and courts. In that regard, as part of the ongoing legal reform it had been decided to transfer to the Ministry of Justice certain institutions which had come under the Ministry of the Interior. Finally, an endeavour had been made to give greater weight to civil society and its institutions, which contributed significantly to the stability of the State, and to guarantee the freedom of the media and the press.

13. Kazakhstan had a successful economic record: macroeconomic stabilization, reduced inflation, improvements in the financial system, especially in lending, and privatization. It now had one of the highest GDPs among the member countries of the Community of Independent States (CIS). Kazakhstan had also undertaken a wide-ranging reform in the social field. The Government's work programme, which covered the period up to 2030, focused on the priorities defined by the international organizations, especially the United Nations, namely, to reduce unemployment and poverty through an employment and credit policy, to provide assistance to the poorest, especially women and children, and to implement a policy of micro-credits.

14. Kazakhstan was striving to see that women played a greater role in the country's social, economic and cultural life. It had made a priority of combating corruption, which was a threat to the security of the State and to democracy. It was endeavouring to preserve the political stability which it had enjoyed for 10 years, and not to become embroiled in international conflicts, especially those which occurred close to its borders. It condemned the tendency of some States to judge the human rights situation in other countries. Rather than seeking to exert political pressure, those States should be looking at matters objectively. Kazakhstan had chosen to be a State founded on democracy, the rule of law and human rights, and was engaged in building a free and civilized society, without harming anyone.

STATEMENT BY THE MINISTER FOR FOREIGN AFFAIRS OF SPAIN

15. Mr. PIQUÉ (Spain) said the Spanish Government deeply regretted the High Commissioner's decision not to seek a fresh mandate. He was grateful for all the work she had done over the past four years, and wished her every success in her future activities.

16. Spain and the other member countries of the European Union shared the same values, reflected in the application of democratic principles and respect for human rights, and finding their clearest expression in the Charter of Fundamental Rights adopted by the Council of Europe at Nice in 2000. It was therefore of one mind with the statement made a few days previously by the Minister for Foreign Affairs of Sweden, which currently held the Presidency of the Council of the European Union.

17. On the international plane, Spain attached great importance to the promotion, protection and observance of human rights throughout the world. It therefore welcomed the holding of the World Conference against Racism, and the Spanish Government intended to play a part in financing it. The Conference should lead to the adoption of a declaration and programme of action that would indicate the means to be used to combat current and future forms of racism, by drawing lessons from the past, and to assist victims of racism. Spain would also make its contribution to eliminating discrimination and intolerance based on religion or belief, through a conference on education in freedom of religion and belief, tolerance and non-discrimination to be held in Madrid. The conference would adopt a document to provide guidance to States in the field of education. Spain took the view that the special dialogue in the Commission on tolerance and respect could make a useful contribution to the preparatory work for the Conference against Racism.

18. The Spanish Government was convinced that only democratic regimes based on the rule of law could secure full enjoyment of human rights, and that those rights were universal. Some political regimes were the source both of human rights violations and of armed conflict, either internal or international. Spain was participating in the efforts of the international community to bring such conflicts to an end. In some countries there were hopeful signs of a settlement, as in Colombia, where a peace process was ongoing. Spain supported that process, while unceasingly condemning the grave human rights violations committed, inter alia, by the paramilitary groups and the guerrillas. He wished to pay tribute in that respect to the work of human rights defenders in that country. It was essential to strengthen the judicial machinery in order to put an end to impunity. The Bureau of the High Commissioner for Human Rights in Bogota was doing important work in that regard, for which reason the Colombian Government should continue to

cooperate with it. The regional mechanisms, such as the OSCE or the Council of Europe, were playing a useful role in monitoring some conflicts, such as the one in Chechnya. In that respect, the Spanish Government hoped for a successful outcome to the dialogue and cooperation between the Russian authorities and the European institutions and organizations. He held out the same hopes for the process begun in Barcelona to secure peace, stability and development in the Euro-Mediterranean basin, and to put an end to phenomena of concern to the entire international community, such as the violence in Algeria. The Spanish Government was also gravely concerned at the present blockage in the peace process in the Middle East, especially in view of the serious human rights violations now taking place in the territories occupied by Israel. As in previous years, Spain and other member States of the European Union would be submitting a resolution condemning the settlement policy being conducted by Israel in the occupied territories. It appealed to all the parties to the conflict to renounce the use of force and resume the dialogue. The rigid attitude adopted by the Taliban leaders, who had imposed in Afghanistan rules which seriously undermined human dignity, especially the dignity of women, and the recent blowing up of statues belonging to the heritage of mankind for the sake of those rules, were also matters of grave concern. Confronted with those acts, it was even more necessary to encourage governments which were endeavouring, though encumbered with systems not conducive to respect for human rights, to undertake reforms designed to re-establish democracy and the observance of international human rights standards. To combat violations of those rights effectively, it was necessary above all to put an end to impunity, and Spain therefore appealed for ratification of the Statute of the International Criminal Court.

19. The question of the rights of the child was also of special interest to the Spanish Government, which had signed in New York the two Optional Protocols to the Convention on the Rights of the Child, and was now taking the necessary steps to ratify them. In May 2001, Spain would also be taking an active part, in Berlin, in the preparatory meeting for the Special Session of the General Assembly on Children, to be held in September 2001. The Spanish Government had also drawn up national and local plans to combat violence against women, especially within the family, a widespread phenomenon for which there was no excuse. Elderly persons were also a group that should enjoy special protection by States and the international community, and Spain therefore welcomed the opportunity to host in 2002 the World Assembly on Aging, which it hoped would open the way for intensified action by States and cooperation among them in that area.

20. The Commission was and must be the spearhead of action for human rights throughout the United Nations system. Emphasis should be placed on the important role played by the new mechanisms put in place in the field of economic, social and cultural rights, such as the Working Group on the Right to Development, which was doing remarkable work in spite of the difficulties it was encountering in carrying out its task. It should take account of the discussions taking place in other bodies, and institute dialogue with all the actors concerned. As to civil and political rights, the Spanish Government was determined to continue supporting the work of the Working Group responsible for drawing up a draft optional protocol to the Convention against Torture, with a view to creating an international monitoring mechanism to eliminate the practice of torture, even though that was primarily the duty of States and State institutions. The Spanish Government was also convinced that the death penalty, which no longer existed in Spain, had no

deterrent effect, and was joining with other member countries of the European Union in a campaign for the universal abolition of capital punishment, which was an abuse of the fundamental right to life, and in the meantime for a moratorium on executions.

21. Lastly, Spain would continue to cooperate with all the Commission's special mechanisms and all the bodies established under international human rights instruments. They should be given the means, and the requisite political and financial support, to perform their functions properly.

STATEMENT BY THE MINISTER OF STATE FOR FOREIGN AND COMMONWEALTH AFFAIRS OF THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND

22. Mr. BATTLE (United Kingdom of Great Britain and Northern Ireland) paid tribute to the High Commissioner for Human Rights for her significant personal contribution to the promotion of human rights. As a former member and director of non-governmental organizations, he believed the importance of their participation in the work of the Commission could not be over-emphasized.

23. Much progress had been made in the question of human rights during the twentieth century. Many countries had ratified the relevant instruments, but ratification alone would not be enough to put an end to human rights violations. The treaties must be implemented, and there was still much to be done in that respect. The situation in a number of countries still gave rise to concern. In China, for instance, the pro-democracy activists and Falun Gong adherents were still being persecuted, the death penalty and administrative detention were still in force, and detainees were still being subjected to torture and degrading treatment. It was essential that China should withdraw its reservations to article 8 of the International Covenant on Economic, Social and Cultural Rights and should ratify the International Covenant on Civil and Political Rights. It was also to be hoped that the Chinese authorities would enter into dialogue with the Dalai Lama to find a long-term solution for Tibet.

24. A thorough investigation must also be conducted into the allegations of human rights violations in Chechnya, in order to prosecute and, where appropriate, punish those responsible. He welcomed Russia's willingness to work on those issues with the Council of Europe. As for Zimbabwe, he deplored the campaign of harassment against the judiciary, the expulsion of journalists and the orchestrated violence against members of the legitimate opposition, actions which ran counter to Zimbabwe's obligations under international human rights law and the Harare Commonwealth Declaration. Of course, no country could claim to be beyond reproach, and problems occurred in the United Kingdom. The British Government would always respond favourably to requests for visits by Special Rapporteurs and other mechanisms of the Commission, in order to demonstrate its commitment to further enhancing the protection of the fundamental rights of people in the United Kingdom.

25. The year 2001 was an important year for human rights, being the year of the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance. Regional consultations had taken place throughout the United Kingdom in order to involve NGOs and all sections of civil society in preparations for the Conference, and to compile

examples of good practice. It was certainly necessary to look to the past in order to understand the problems arising today, but future generations would judge the international community by what it was doing now to deal with contemporary forms of racial discrimination. It was to be hoped that the Conference would focus on the problems of those who encountered racial discrimination in their daily lives. The United Kingdom would work to ensure that the World Conference achieved concrete outcomes in that sense. The Special Session of the General Assembly on Children, to be held in September 2001, would also be an excellent opportunity for the international community to renew its commitment to achieving the goals set at the World Summit in 1990. There too, the focus should be on concrete and achievable action for the future.

26. In recent years, a serious political debate had begun about the equitable management of the process of globalization. The United Kingdom had contributed to that debate, with the publication in December 2000 of a White Paper on eliminating world poverty. While globalization could generate wealth, it also threatened to widen the gap between rich and poor. It was therefore imperative to guarantee economic, social and cultural rights as well as civil and political rights. Globalization was boosted by the rapid expansion of global communications. Thus, increased access to information could bring about greater awareness of human rights at a world level, both in terms of the rights to which individuals could aspire and in terms of their violation. The result could be more democratization and increased accountability of governments. The benefits of globalization must be made to work for the poor. The new wealth created by globalization could, if managed wisely, lift millions of people in the world out of poverty; managed badly, it could lead to further marginalization and impoverishment. To harness the benefits of globalization, countries must set up effective systems of government, combat corruption and ensure respect for human rights. It was a question of promoting security and justice for all, along with the rule of law; but it was also a question of sustainable economics, because a people living in fear and repression could not display the necessary creativity for the economy to develop.

27. The United Kingdom, for its part, had endeavoured to contribute to international efforts for the promotion and protection of human rights. It cooperated with the Commission's mechanisms, and welcomed the decision to appoint a special representative of the Secretary-General on human rights defenders. The special representative's work should be financed from the regular budget of the United Nations and from budget funds for the treaty monitoring bodies, which were the cornerstone of the human rights protection system established by the United Nations. The United Kingdom was anxious to end the culture of impunity and had been a leading advocate of establishing the International Criminal Court. It intended to be among the first 60 States to ratify the Statute of the Court, and was contributing £50,000 to the Trust Fund for least developed countries to support their participation in the work of the Preparatory Committee. The United Kingdom was also strongly committed to the eradication of torture worldwide. The second phase of the anti-torture initiative taken by the Minister for Foreign Affairs had been launched in December 2000 and the British Government had contributed almost £300,000 to the United Nations Voluntary Fund for Victims of Torture. Lastly, the United Kingdom had ratified ILO Convention No. 182 on the Worst Forms of Child Labour, and was encouraging other Governments to do likewise. It was providing support to the ILO's programme for the elimination of child labour, which was one of the many contemporary forms of slavery that were still on the rise in the world.

28. In conclusion, he was convinced that, in the modern interdependent world, it was essential to think and act both globally and locally at the same time, to go from the general to the particular and from the abstract to the concrete. In the twenty-first century, everyone should be committed at the global level to implementing the universal values of human rights in all societies.

STATEMENT BY THE UNDER-SECRETARY OF STATE FOR FOREIGN AFFAIRS OF POLAND

29. Ms. BERNATOWICZ (Poland) said the Polish Government had learned with regret that Mrs. Robinson, the High Commissioner for Human Rights, would not be seeking a second term of office. However, it welcomed her statement that she would continue to serve the cause of human rights and wished her every success in her future activities.

30. In today's world, States, civil societies, businesses and even individuals had become interdependent. The repercussions of certain events went beyond the geographical and social context in which they occurred. Poland was therefore convinced that the international community must strive to ensure security for individuals on the legal, political, social, economic, medical and psychological levels. No State or society could be secure if the individuals in it were not. The three keywords liberty, equality and dignity applied, in the first place, to individuals. According to article 1 of the Universal Declaration of Human Rights, all human beings were born free and equal in dignity and rights. All political authority emanated from the people, and must be exercised in its overriding interest. Only democratic institutions could guarantee full respect for the rights of individuals and the democratic world had a legitimate right to react if any State violated human rights. Laws must also seek to protect individuals and secure their inalienable rights. Any law inconsistent with that principle, no matter which State adopted it, must therefore be regarded as null and void.

31. Diversity, whether racial, linguistic, ethnic, national or religious, was a source of enrichment for humanity and should not give rise to conflict or injustice. Poland for its part, as a State governed by the rule of law, treasured democracy, good governance and tolerance. The previous year, it had hosted an international conference entitled "Towards a Community of Democracies". The final declaration adopted by the conference, called the Warsaw Declaration, had already been approved by over 100 States, and the Federal Republic of Yugoslavia had recently become a member of the newly-established Community. When a country failed to respect human rights and democratic rules, and when the domestic system of justice failed, the international community should take over. In that respect, the establishment of the International Criminal Court was a new chapter in the struggle for justice. Poland was convinced that only democracy could guarantee universal enjoyment of human rights, and without good governance there could be no democracy. The fundamental principles of good governance were respect for human rights, the rule of law, political openness, tolerance, responsibility, accountability, transparency and effectiveness. The link between human rights and good governance was confirmed by many international instruments and declarations, ranging from the Universal Declaration of Human Rights to the United Nations Millennium Declaration. As at the previous session of the Commission, Poland would be submitting a resolution on good governance which it hoped would be generally supported by members of the Commission.

32. Poland was playing an active part in the preparations for the Special Session of the General Assembly on Children, and would soon be ratifying the two Optional Protocols to the Convention on the Rights of the Child, concerning the involvement of children in armed conflicts and the sale of children, child prostitution and child pornography. As for racism, Poland was cooperating very closely with the European Union and other partners in preparing for the World Conference against Racism and hoped the Conference would prove successful. Poland would also be introducing a draft resolution on the AIDS pandemic, which particularly affected Africa and the scale of which had been acknowledged in the United Nations Millennium Declaration.

33. In the Declaration, adopted on 8 September 2000, Heads of State had also recognized their collective responsibility to uphold the principles of human dignity, equality and equity, and had clearly stated that civil, political, economic, social and cultural rights were for all and must be fully protected in all countries of the world. The time had now come for countries to implement that commitment. Poland, for its part, was determined to act to that end.

STATEMENT BY THE DEPUTY PRIME MINISTER OF THE SLOVAK REPUBLIC

34. Mr. FOGAS (Slovakia) thanked Mrs. Robinson, the High Commissioner for Human Rights, for the work she had done for human rights throughout the world.

35. In many cases, it was not financial resources that were lacking in societies, but ethical, cultural and social values, especially solidarity and justice. Since the Second World War, history had shown that economic prosperity and wealth were not necessarily reflected in greater social cohesion and an improved quality of life. It was now estimated that 20 per cent of the population were getting richer, while 80 per cent were getting poorer. To that must be added such things as organized crime, money laundering and corruption, which were not conducive to the stabilization of the economy. It was not therefore possible to speak of a lasting victory of democracy and free trade.

36. Slovakia supported the efforts of the international community to strengthen the protection of human rights and to enhance the operation of the treaty bodies, and was prepared to cooperate with the Special Rapporteurs of the Commission. It was also aware of the crucial role played by non-governmental organizations in the field of human rights. In the framework of preparations for the World Conference against Racism, in May 2000 the Slovak Government had adopted a plan of action to prevent all forms of discrimination, racism, xenophobia, anti-Semitism and intolerance. It had also set up a coordinating committee to implement the plan, and, also in May 2000, had organized a national conference on the subject. Generally speaking, it emphasized education and prevention, through the dissemination of information on the dangers of racism.

37. Slovakia was a party to most of the international and regional human rights instruments, which under its Constitution had precedence over national law. It had recently signed Protocol No. 12 to the European Convention on Human Rights, which contained a general clause prohibiting discrimination. It had also ratified the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women, and would shortly be signing the two Optional Protocols to the Convention on the Rights of the Child.

38. The Slovak Constitution made provision for a number of mechanisms to guarantee respect for human rights and fundamental freedoms, and prohibited discrimination of any kind on any grounds. In February 2001 the Constitution had been amended to strengthen representative democracy at the regional level and the independence of the judiciary, which was now wholly independent of the executive. The amendment also strengthened the powers of the Constitutional Court and provided for the appointment of an ombudsman, who would be responsible for ensuring respect for the rights and fundamental freedoms of natural and legal persons when the public authorities acted contrary to the principles of a democratic State under the rule of law.

39. With regard to the rights of persons belonging to ethnic minorities, Slovakia had signed the European Charter for Regional or Minority Languages and the Framework Convention for the Protection of National Minorities, instruments which aimed to ensure complete equality between the majority and the minority populations in all areas of economic, social, political and cultural life. Those issues were the responsibility of the Commission of the National Council for Human Rights and Minorities.

40. In conclusion, he could assure the Commission that Slovakia was doing all it could to eliminate all forms of discrimination, racism, xenophobia and anti-Semitism, and to establish a climate of tolerance and mutual understanding in society as a whole.

THE RIGHT OF PEOPLES TO SELF-DETERMINATION AND ITS APPLICATION TO PEOPLES UNDER COLONIAL OR ALIEN DOMINATION OR FOREIGN OCCUPATION (agenda item 5) (continued) (E/CN.4/2001/17, 18, 19; E/CN.4/2001/NGO/9, 10, 40, 117, 146, 163 and 174)

41. Mr. MEI YUNCAI (China) said the right to self-determination, which had been used by oppressed nations to fight against imperialism and colonialism in order to gain independence and liberate their peoples, was still of great relevance. It was a sacred principle whereby each people could choose its own political and social system as well as its own model of development and could oppose foreign aggression, interference and control and safeguard its sovereignty, independence and territorial integrity.

42. Interference in the internal affairs of other States by resorting to political pressure, economic sanctions and even armed invasion was a flagrant violation of the Charter of the United Nations and the right to self-determination. The same was true of incitement to secession, under the cloak of self-determination. All such practices should be firmly condemned by the international community.

43. China took the view that a fair and just solution to the question of Palestine that would enable the Palestinian people to exercise their fundamental rights, including their right to self-determination, was the only way to restore a lasting peace in the Middle East. Deeply concerned about the incessant violent conflict in that area, it hoped that the parties concerned would refrain from saying and doing things which were not conducive to the peace process, so as to create the necessary conditions for the renewal and acceleration of the peace negotiations.

44. Mr. SAHRAOUI (Algeria) said that the previous century had witnessed a broad movement for the emancipation of peoples, which was most fortunate, but the international community had not fully complied with its obligation to promote the right of peoples to self-determination, since some of them were still under foreign occupation. That was the case in the Middle East, where the Palestinian people were still being denied that fundamental right and for months had been suffering a violent and systematic repression. In that respect, tribute should be paid to all the martyrs of the Intifada, who would in human memory join the ranks of freedom fighters, held up by society as a model. The international community must therefore work for an urgent resumption of the peace process and of the quest for a just, comprehensive and final solution to the conflict in the Middle East. Such a solution, based on the principle of land for peace, must be conditional upon complete withdrawal of Israeli forces from the Arab territories occupied in 1967 and the restoration of the legitimate national rights of the Palestinian people, including their right to the creation of an independent State with its capital at Al-Quds al-Sharif. The international community must also ensure respect for international legality, and especially for the effective implementation of the decisions of the Commission on Human Rights at its special session in October 2000, and the recommendations of the commission of inquiry it had established. The continuing formation or extension of Israeli settlements on Palestinian land, confirmed by the High Commissioner in her report on her visit to the occupied Palestinian territories (E/CN.4/2001/114) also prompted the conviction that an international protection force should be created to guarantee the security of the Palestinian people.

45. In North Africa, the Sahrawi people too were still waiting to exercise their right to self-determination. In spite of the adoption 10 years ago of the United Nations peace plan, and the creation of MINURSO with the agreement of both parties, Morocco and the Polisario Front, and the subsequent signing of the Houston Accords, no tangible progress had been made in resolving the question of Western Sahara. To achieve a settlement, there must be a free, fair and impartial referendum, which would give the Sahrawi people the opportunity they had long awaited to make a fully independent choice and take charge of their future, thus resolving the dispute in a just and final manner, in strict accordance with international legality.

46. The CHAIRMAN invited the Special Rapporteur on the use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination to present his report (E/CN.4/2001/19) under item 5 of the agenda.

47. Mr. BERNALES BALLESTEROS (Special Rapporteur) said his report gave an account of his correspondence with the Governments of El Salvador, the United States of America and Guatemala in gathering information about the attacks carried out in Cuba between 1996 and 1998 by mercenaries who had been recruited in those countries or were making unauthorized use of their territory. The issue was still topical, since inquiries were ongoing, and on 17 November 2000 Luis Posada Carriles and three other persons implicated in financing and carrying out terrorist activities against Cuba had been arrested in Panama. Luis Posada Carriles had admitted having taken part in the attacks, which had been committed in 1999 and had resulted in several deaths and injuries. His admission presented an unparalleled opportunity to reveal the full scale of mercenary activity, which was wholly inexcusable, and to put an end, once and for all, to the impunity so far enjoyed by the perpetrators of those acts. It was to be hoped that Cuba and Panama would reach agreement on extraditing the accused persons and on instituting a just and impartial judicial procedure with due respect for the rights of the defence.

48. His main activity over the past year had been to prepare, in cooperation with the Office of the High Commissioner for Human Rights, the first meeting of experts on traditional and new forms of mercenary activities, which had been held in Geneva from 29 January to 2 February 2001, and which was reported in detail in document E/CN.4/2001/18. The persistence and diversification of mercenary activities was a matter for concern. It was also important to consider the criminal responsibility of mercenaries, and of the people who recruited, financed and planned their activities, and the new forms of mercenarism. It would be inconceivable that those questions should no longer appear on the agenda of the Commission and other United Nations organs. Resolutions from those bodies condemning mercenary activities emphasized that they hindered the exercise of the right of self-determination and gave rise to the worst violations of human rights.

49. To combat mercenarism more effectively, the legal definition of a mercenary found in article 47 of the Additional Protocol to the Geneva Conventions of 1949 (Protocol I) should be broadened to take account not only of existing mercenaries but also of people likely to become mercenaries and the organizations that recruited and trained them from various countries. Mercenaries had been reported in about 50 countries, mainly in Africa. They were therefore a worldwide phenomenon. Mercenarism took a variety of forms. Mercenaries intervened principally in armed conflicts, but might also hire themselves out to drug traffickers, commit acts of terrorism or assassinate political figures. In legal terms, mercenary operations should therefore be regarded as a mass violation of human rights involving not only the mercenaries themselves, but also those who recruited, trained and financed them.

50. The Commission had appointed a special rapporteur on mercenaries largely because mercenaries had impeded the exercise of the right to self-determination of African peoples, and were still doing so. Paragraphs 24 to 43 of the report described the armed conflicts in Africa in which mercenaries were taking part, including those in Angola and Sierra Leone. In the armed conflicts which had broken out recently in Africa, mercenaries were recruited not only directly by the combatant armies, but also indirectly, through private enterprises. Moreover, taking advantage of the gaps in international law, mercenaries were taking part not only in the fighting but also in arms dealing and in trafficking in diamonds and oil. The reason for the frequency and persistence of armed conflict was the existence of an illicit traffic in arms in which mercenaries were involved, as pilots or mechanics, in transporting weaponry, dealers or instructors on the ground. As shown by the armed conflicts in Afghanistan, Colombia or Sierra Leone, arms were paid for not only in cash but also in kind, with diamonds or precious stones, oil or drugs. He therefore endorsed the demand of the non-governmental organizations and the European Union for very tight controls on the diamond trade and the oil trade, and for sanctions against Governments, organizations and enterprises which took part in the illicit trafficking.

51. It was also worrying to see that military security firms were trying to take over functions which by definition belonged to the State, such as the maintenance of public order and military activities. It was therefore absolutely essential to regulate the activities of those firms, and to make sure they were always under the control of a competent public authority. The United Nations, through the Commission on Human Rights, must examine ways of combating mercenary activities and regulating the activities of such firms.

52. In amending the legal definition of a mercenary, account must be taken of the fact that a mercenary would typically have had a military career, especially as a former member of a special, commando or parachute unit, or would have received military training, and have experience of handling sophisticated weapons. The fact that a government was hiring the services of mercenaries, or contracting with firms which recruited mercenaries, in order to defend itself or strengthen its position in an armed conflict, did not make it legal or lawful to do so. Governments acted lawfully only when their actions fell within the bounds set by their constitutions and by the international treaties to which they were parties. In drawing up a broader definition of a mercenary, that aspect must be borne in mind. The rules of international customary and treaty law applicable to mercenary activities should, in essence, condemn recourse to mercenaries in the broad sense of a contract for the purchase and sale of military services not governed by international law, and which habitually led to the perpetration of war crimes and the violation of fundamental rights.

53. Only one more ratification or accession was needed for the International Convention against the Recruitment, Use, Financing and Training of Mercenaries to come into force. It was also necessary, in the draft code of crimes against the peace and security of mankind, to ensure that both mercenaries and those who recruited, used, financed and trained them were treated as criminally responsible. Lastly, it was vital that the Commission continue its study of the matter.

54. Mr. ATTAR (Saudi Arabia) said that the tragic events which had taken place since September 2000 in the occupied Palestinian territories showed that the right of peoples to self-determination, set forth in the Charter of the United Nations and the resolutions of the General Assembly and the Commission, was far from being a reality, because political considerations often outweighed humanitarian needs. The inalienable rights of the Palestinian people were still being openly flouted by Israel, which was obstructing the peace process in the Middle East.

55. The Government of Saudi Arabia was gravely concerned at the deteriorating situation in the occupied Palestinian territories. It called upon the international community and the Security Council to take the requisite measures in accordance with the Charter of the United Nations, including those in Chapter VII and Articles 1 and 55, so that the Palestinian people could finally exercise their right to self-determination and the establishment of their own independent State with Jerusalem as its capital. The Palestinians had opted for a just peace based on international law and United Nations resolutions. His Government therefore urged the members of the Commission to give effect to those resolutions by supporting the draft resolution to be submitted on the situation in Palestine, on purely humanitarian grounds and without taking any other factors into account.

56. Lastly, he pointed out that the right of peoples to self-determination was one of the universal and indivisible fundamental rights and that the international community must do everything possible to achieve it.

57. Mr. AKRAM (Pakistan), speaking on behalf of the Organization of the Islamic Conference (OIC), emphasized the importance of respecting the right of peoples to self-determination, which determined the achievement of all other human rights and fundamental freedoms enunciated in common article 1 of the International Covenant on Economic, Social and

Cultural Rights and the International Covenant on Civil and Political Rights, and also in Articles 1 and 55 of the Charter of the United Nations and operative paragraphs 1 and 4 of the Declaration on the Granting of Independence to Colonial Countries and Peoples, adopted by the General Assembly in 1960. Any and every denial of that right was therefore a breach of the Charter of the United Nations.

58. The Palestinian people was still being deprived of its right to self-determination. As stated by the Special Rapporteur for the Sub-Commission, Mr. Gros Espiell, in his study of the right to self-determination (E/CN.4/Sub.2/405/Rev.1, para. 93), international law affirmed the legitimacy of the struggle of peoples under occupation "by every means available to them, when the possibilities of obtaining recognition of the right to self-determination by peaceful means have been exhausted". In defiance of international legality, Israel was continuing its policy of repression of the Palestinian people and expansion of its settlements, resulting in the displacement of Palestinians. The IOC was convinced, however, that no power in the world could win when a people was resolved to achieve its freedom.

59. The OIC would continue to support all peoples whose rights had been usurped by occupying Powers. It urged the international community, States and civil society to support their struggle to promote the principles and purposes of the Charter of the United Nations, and the implementation of the Universal Declaration of Human Rights, thereby strengthening international peace and security and respect for human rights.

60. Mr. AKRAM (Pakistan), speaking on behalf of his country, said that for more than 50 years, the people of Jammu and Kashmir had waited in vain to exercise their right to self-determination. Since 21 January 1990, when Indian occupation forces had fired on Kashmiris who were demonstrating peacefully against the occupation of their territory, the Kashmiri people had been waging a heroic but unequal struggle to free themselves from the yoke of foreign domination. The Indian forces, in complete impunity, were carrying on a brutal campaign of repression in Kashmir, declaring so-called "ceasefires" while thousands of Kashmiris were killed, wounded, incarcerated and tortured every day. Indian forces had even gone so far as to fire on innocent people who were following the funeral procession of a human rights activist, Mr. Jaleel Ahmed, who had been killed in detention three weeks before.

61 In view of the massive disinformation spread by Indian's propaganda, it was necessary to spell out, first, that the struggle of the Kashmiris could not be described as terrorism, it was the just and legitimate response of a people acting in self-defence against foreign occupation. All the colonial powers had labelled combatants for freedom as terrorists, and India was no exception. Great leaders such as Mandela and Mugabe had also been depicted as terrorists. Second, it was a spontaneous struggle by the Kashmiris themselves, who had never been subject to any external force. There was no foreigner among the thousands of young Kashmiris who had sacrificed their lives for the liberation of their territory. There was no international terrorism, contrary to the notion put about by India in order to conceal its campaign of repression in Kashmir. Third, it was a fact that the problem of Kashmir could only be resolved in accordance with the wishes of the Kashmiri people. As long as India failed to accept that fundamental reality, every peaceful solution to the Kashmiri conflict would remain a mirage. Fourth, the United Nations had a legal, political and moral obligation to foster such a peaceful solution. The agreement that had been concluded between India and Pakistan, with the approval of the Security

Council, still had binding force. Consequently, the Member States of the United Nations were under an obligation to hold the parties to their commitments and to ensure that they implemented the agreements entered into and the Security Council resolutions requiring a plebiscite to be held in Kashmir under United Nations supervision.

62. His delegation hoped that the members of the Commission would fulfil their duty towards the people of Kashmir "to promote the realization of the right to self-determination" and "to refrain from any forcible action which deprives peoples of that right", as laid down in the Declaration on the Principles of International Law concerning Friendly Relations and Cooperation among States in accordance with the Charter of the United Nations.

63. Ms. AL-HAJJAJI (Libyan Arab Jamahiriya) said the Arab Summit and the Summit of the Organization of the Islamic Conference, held in the autumn of 2000, had given a full picture of the facts about Palestinian resistance to Israeli occupation. The Israeli-Palestinian negotiations could not be equated with a peace process, being merely a solution Israel was imposing by force on the Palestinians. They were the weaker party, exposed to international pressure and to pressure by the occupying Power. To speak of the spread of a culture of peace under present conditions was to mask the unjust reality of the occupation of Palestinian territory in the Syrian Golan, and in part of southern Lebanon, by a colonizing State which also had at its disposal weapons of total destruction and was obstinately refusing to sign the Treaty on the Non-Proliferation of Nuclear Weapons. The invitation to establish a general peace was actually an invitation to subjection, capitulation and humiliation.

64. Referring to paragraphs 1 and 2 of the Declaration on the Granting of Independence to Colonial Countries and Peoples (1960), she said there was no difference between legitimate violence and the struggle of peoples for the right to self-determination. She called for mutual respect among nations, founded on justice and equity. A culture fostering the right of self-determination should be instituted, and it should be defended by every possible means.

Statements in exercise of the right of reply

65. Mr. LEVI (Observer for Israel), referring to a remark by the representative of Pakistan during his statement on behalf of the Organization of the Islamic Conference, to the effect that the struggle of peoples to decide their own future was legitimate "when peaceful means have been exhausted" for achieving recognition of their right to self-determination, said that, in the Middle East, not all peaceful means had been exhausted. The peace negotiations that had begun in 1993 and had led to a series of agreements had been resumed in July 2000. After the refusal of the Palestinians to accept the proposals put to them, and the ensuring acts of violence, the two parties had resumed their places at the negotiating table and had started talks at Taba, in Egypt, which had continued until elections had been held in Israel. During those talks, Palestinian negotiators had stated that the negotiating process was not succeeding, but after the elections they nevertheless asked for it to be resumed. The indications were that proposals in their favour were about to be made. The recourse to violence did not therefore seem justified, since recent events showed that not all peaceful means had been exhausted. He therefore invited members of the Commission to support the peace process through negotiations, and to condemn those who resorted to violence to attain their ends.

66. Mr. RAMLAWI (Observer for Palestine) said that, if Israel really wanted peace, it should begin by withdrawing its forces from the occupied Palestinian territories, as the Commission and other United Nations organs had been enjoining it to do for over 30 years. The initial bilateral negotiations instituted between Israel and the neighbouring Arab countries in 1991 in Madrid had been aimed at establishing a just and lasting peace in the region, and if the region was now ablaze, that was because Israel had unleashed a criminal war against the Palestinian people. The present situation was therefore the logical outcome of the policies conducted by Israel and the United States. The peace process was dead because Israel itself had killed it.

The meeting rose at 1.15 p.m.